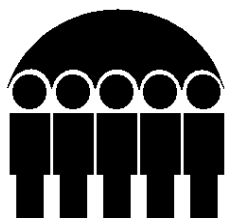


May 4, 2007

Employees' Manual
Title 17
Chapter C(3)

CHILD WELFARE

**ADDITIONAL CASE
PLANNING INFORMATION**



Iowa
Department
of
Human Services

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Topic 1: Definition of Terms Used in Case Planning and Management

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“Aggravated circumstances” means a condition or facts used by the court to determine whether waiving of reasonable efforts to prevent placement or to reunify the child with the parents is in the best interest of the child. (Iowa Code section 232.102(12))

“Aggrieved person” means a person:

- ◆ Whose claim for services has been denied;
- ◆ Whose application has not been acted upon with reasonable promptness; or
- ◆ Who has been notified that there will be a suspension, reduction, or discontinuation of services. (441 IAC 7.1(217))

“ASFA” means the federal Adoption and Safe Families Act, which requires states to establish permanency for children as quickly as possible after placement as a condition of federal funding under Title IV-E of the Social Security Act.

“Case closure measurable conditions” are specific outcomes that affect child safety, permanency, and well being. These conditions must be achieved in order for the family, the court, and service system practitioners to know and reasonably believe that the safety and well being of the children is both adequate and can be reasonably expected to continue without disruption following the completion of services.

“Case closure planning” is the process of setting measurable conditions or outcomes that must be achieved through the family change process in order for the family to exit the child welfare system. When the conditions for case closure are met, this event signals readiness for the family’s independence from the child welfare service system.

“Case permanency plan” means the individualized, written plan developed by the family decision-making team that is designed to achieve safety, permanency, and well-being for a child and family in as expeditious manner as possible. The case permanency plan:

- ◆ Documents compliance with federal requirements.
- ◆ Identifies goals, strengths, needs, services, time frames for meeting goals for the delivery of services to the child and parents, objectives, desired outcomes, responsibilities for all parties involved; and reviews progress. (441 IAC 185.1(234) and 202.1(234), Iowa Code section 232.1)

"Child" means:

- ◆ For the family-centered supportive services program, a person under 18 years of age. (441 182.1(234))
- ◆ For foster care, either a person less than 18 years of age or a person 18 or 19 years of age who meets any of the following conditions:
 - Is in full time attendance at an accredited school pursuing a course of study leading to a high school diploma.
 - Is attending an instructional program leading to a high school equivalency diploma.
 - Has been identified by the director of special education of the area education agency as a child requiring special education.

A person over 18 years of age who has received a high school diploma or a high school equivalency diploma is not a child within this definition. (Iowa Code section 234.1(2), 441 IAC 202.1(234))

- ◆ For ICPC, any person who is under the age of majority in the person's state of legal jurisdiction or has not been legally emancipated by the laws of that jurisdiction.
- ◆ For adoption subsidy, a person under age 18, or a person with a physical or mental disability who has not attained age 21. (441 IAC 201.2(600))

"Child care" means a service that provides child care in the absence of parents for a portion of the day, but less than 24 hours. Child care:

- ◆ Supplements parental care by providing care and protection for children who need care in or outside their homes for part of the day.
- ◆ Provides experiences for each child's social, emotional, intellectual, and physical development.
- ◆ May involve comprehensive child development care.
- ◆ May include special services for a child with special needs.
- ◆ Components of child care include supervision, food services, program, and activities, and may include transportation. (441 IAC 170.1(234))

"Child custody proceeding" for ICWA means:

- ◆ Foster care placement: Any action removing an Indian child from the child's parents or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where:
 - The parent or Indian custodian cannot have the child returned upon demand, but
 - Parental rights have not been terminated.
- ◆ Termination of parental rights: Action resulting in termination of the parent/child relationship.
- ◆ Pre-adoptive placement: The temporary placement of an Indian child in a foster home or institution after the termination of parental rights but before or instead of adoptive placement.
- ◆ Adoptive placement: Permanent placement of an Indian child for adoption, including any action resulting in the final decree of adoption.

"Child custody proceeding" does not include a placement:

- ◆ Based upon an act that, if committed by an adult, would be deemed a crime; or
- ◆ Based upon an award in a divorce proceeding of custody to one of the parents.

Note: An offense committed by a child must follow the provisions of Iowa Code Chapter 232 for the child adjudicated as "having committed a delinquent act" and is exempt from Indian child custody proceeding under the provisions of ICWA. Status offenses such as truancy and incorrigibility are covered by ICWA.

"Child placing agency" means any public, semipublic, or private agency which represents itself as placing children permanently or temporarily in private family homes or as receiving children for such placement, or which actually engages in such placement, for gain or otherwise. (441 IAC 203.1(222), Iowa Code section 238.2)

"Child welfare services" means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or mental retardation or other developmental disability, including, when necessary, care and maintenance in a foster care facility.

"Claim" means each record received by the Department or its fiscal agent that tells the amount of requested payment and the service rendered by a provider to a child and family. (441 IAC 185.1(234))

“Community resource procurement services” are activities focused on arranging or coordinating the delivery of community supports or tangible goods identified as necessary for a family to achieve the outcomes of the family’s case permanency plan. (441 IAC 182.2(7))

“Concurrent planning” means establishing one or more alternative permanency plan options. When a child is in foster care, it means working towards reunification of the child with the parents while at the same time establishing one or more alternative permanency plan options.

Concurrent planning is a child-focused strategy and an effective tool to expedite permanency that requires individualized assessment and decision making. It is based on full disclosure, which requires open and honest discussions with all parties at all steps in the process.

“Date the child enters foster care” means the date the child is physically removed from the home. (42 CFR 1355.34)

“Department” means the Iowa Department of Human Services (DHS).

“Department worker” means the Department of Human Services worker who is responsible for providing social casework. (441 IAC 182.1(234))

“Episode of out-of-home care” means the period of time a child spends in temporary placements away from the child’s permanent home. An episode of out-of-home care starts when a child is removed from the home of the child’s parent or guardian by order of the court or through a voluntary placement agreement. An episode ends when:

- ◆ The child is returned to the parent or guardian and the court relieves the state of the responsibility to supervise the placement; or
- ◆ Guardianship is transferred to another person, the child is placed in another home that is intended to be a permanent home for the child, and the court relieves the state of the responsibility to supervise the placement; or
- ◆ Six months have elapsed since the child was returned to the parent or guardian or since guardianship was transferred to another person, even if the court has not relieved the state of the responsibility for supervision.

Note: If the child is removed from the home of the parent or guardian during the time the child is on a trial home visit (the earlier of six months or the date the court relieves the state of the responsibility for supervision), then the episode of care continues.

"Escrow account" means an interest bearing account in a bank or savings and loan association that is maintained by the Department in the name of a particular child. (441 IAC 201.2(600))

"Evaluate" means to assess the appropriateness of services provided under the case permanency plan periodically (including social casework services) and to continue or terminate them as appropriate according to this chapter and the specific service chapters. (441 IAC 131.1(234))

"Extended family member" for ICWA means as defined by the law or custom of the Indian child's tribe. In the absence of such law or custom, an "extended family member" is a person who has reached the age of 18 and is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

"Family" includes the following members:

- ◆ Legal spouses (including common law) who reside in the same household.
- ◆ Natural, adoptive, or stepmother or stepfather and children who reside in the same household.
- ◆ A child who lives alone or who resides with a person, or persons, not legally responsible for the child's support. (441 IAC 130.1(234), 182.1(234), and 185.1(234))

"Family assistance fund" means a fund allocated to service areas as part of their family preservation allotment that family preservation service providers can use to purchase goods or services for families receiving family preservation services. (441 IAC 181.1(234))

"Family-centered services" means services that use a comprehensive approach to address the problems of children within the context of their family. These services are intended to improve overall family functioning. The intensity and duration of service delivery are adapted to the individual needs of the child and family. Family-centered services may consist of both treatment and supportive services. (441 IAC 182.1(234))

"Family change process" means the combination and sequence of strategies, supports, and services used to engage a child and family that lead to independence from the service system and case closure.

“Family foster care” means substitute care and supervision provided to an eligible child in a licensed family foster home. The types of family foster care are basic family foster care, emergency family foster care, and treatment family foster care. (441 IAC 156.1(234))

“Family foster care supervision” means the support, assistance, and oversight provided to children in family foster care that is directed towards achievement of the child’s permanency plan goals. Department workers or private agency caseworkers may provide supervision. (441 IAC 156.1(234))

“Family foster home” means a single-family living unit in which an individual or a married couple provide room, board, and care for a child for a period exceeding 24 consecutive hours. Foster homes in Iowa must be licensed by the Department. Foster family homes in other states must be licensed or approved according to the laws of that state. (441 IAC 112.2(237))

“Family members” for purposes of child welfare service delivery, may include the following:

- ◆ The natural or adoptive parents, stepparents, and children who reside in the same household.
- ◆ A child who lives with an adult related to the child within the fourth degree of consanguinity and the adult relatives within the fourth degree of consanguinity in the child’s household who are responsible for the child’s supervision. Relatives within the fourth degree of consanguinity include: full or half siblings, aunts, uncles, great-aunts, great-uncles, nieces, great-nieces, nephews, great-nephews, grandparents, great-grandparents, great-great grandparents, and first cousins.
- ◆ A child who lives alone or resides with a person or persons not legally responsible for the child’s support. (441 IAC 182.1(234))

“Family team” means people identified by the client or family as collectively possessing the technical skills, knowledge of the family, authority, and access to the resources necessary to organize effective services to build on the strengths and meet the needs of the client or family.

“Family team decision-making meeting” means a gathering of family members and extended family, social work case manager, friends, providers, community professionals, and other interested people who plan for safety, permanency, and well-being of a family through development and review of a individualized case permanency plan.

"Family team meeting facilitation services" includes activities undertaken to conduct a family team meeting for a family with a child welfare service case. (441 IAC 182.2(2))

"Flexible family support fund" is a Department fund under which the Department reimburses service providers for expenses incurred in purchasing tangible goods, community supports, or services approved by the Department for a specific child or family and delivered to the child or family. (441 IAC 182.2(8))

"Foster family home study" means the initial written report and the annual update containing:

- ◆ Documentation of the family's compliance with licensing requirements.
- ◆ An assessment of the family's ability to provide family foster care.
- ◆ A licensing recommendation. (441 IAC 156.1(234))

"Functional assessment" means identification of current, obvious, and substantial strengths, needs, and risks of the child and family through formal and informal evaluation, to gain an understanding of the child and family and how to provide effective services. Functional assessment of children and families includes critical underlying issues that must be resolved for the child to achieve permanency.

"Group care maintenance" means food, clothing, shelter, school supplies, personal incidentals, daily care and supervision of children to ensure their well being and safety, and administration of maintenance items provided in a group care facility. (441 IAC 156.1(234))

"ICAMA" means the Interstate Compact on Adoption and Medical Assistance.

"ICJ" means the Interstate Compact on Juveniles.

"ICPC" means the Interstate Compact on the Placement of Children.

"ICPC 100A" is the national form entitled *Interstate Compact Placement Request*.

"ICPC 100B" is the national form entitled *Interstate Compact Report on Child's Placement Status*.

"Illegal placement" means sending, bringing, or causing a child to be sent or brought into any other state without complying with ICPC and obtaining approval for the placement from the appropriate public authorities (the Interstate Unit).

"Interstate Compact on the Placement of Children" or **"ICPC"** means a uniform law that has been enacted in all 50 states, the District of Columbia, and the U.S. Virgin Islands. The ICPC establishes a contract among the states and jurisdictions that ensures orderly procedures for the interstate placement and postplacement supervision of children and fixes responsibilities for those involved in placing the child.

"Imminent risk of placement" means, for the purpose of authorizing family preservation, that the family at issue includes one or more children at either high or immediate risk of placement. Cases considered at immediate or high risk of placement are defined as follows:

- ◆ Immediate risk cases are those in which:
 - A child needs to be placed out of home,
 - At least one family member's safety is in immediate jeopardy, and
 - Either emergency placement procedures or emergency and intensive preventive services need to commence immediately.
- ◆ High risk cases are those in which a child needs an out of home placement, but the family's condition is such that the immediate safety of any family member is not jeopardized. Nonemergency placement procedures would begin unless some type of preventive services was provided.

These cases may include families already receiving preventive services where family unity and self sufficiency are not expected when services end. (441 IAC 185.1(234))

"Implement" means to arrange for the activities described in the individualized case permanency plan to begin and to advocate for the client when necessary so that services can begin. (441 IAC 131.1(234))

"Indian" means any person who is a member of an Indian tribe or who is an Alaskan native and a member of a regional corporation as defined in Section 7 of the Alaskan Native Claim Settlement Act.

"Indian child" means an unmarried person who is under age 18 and either:

- ◆ Is a member of an Indian tribe, or
- ◆ Is the biological child of a member of an Indian tribe and is eligible for membership in an Indian tribe.

Note: The Iowa statute has a broader definition of "Indian child" than the federal statute. Under the Iowa ICWA, an Indian child is "an unmarried Indian person under 18 years of age, or a child who is under 18 years of age that an Indian tribe identifies as a child of the tribe's community."

"Indian Child Welfare Act" or **"ICWA"** means Public Law 95-608, the Indian Child Welfare Act of 1978 (25 U.S.C.A. sections 1901-1923). ICWA is the legislation that covers the jurisdiction, custody, placement, and welfare of Native American children. Similar requirements have been enacted at the state level as Iowa Code Chapter 232B, titled the "Iowa Indian Child Welfare Act" (Iowa ICWA).

"Indian child's tribe" means the Indian tribe in which an Indian child is a member or eligible for membership. When an Indian child is a member of or eligible for membership in more than one tribe, the child's Indian tribe is the one to which the Indian child has the more significant contacts.

"Indian custodian" means any Indian person:

- ◆ Who has legal custody of an Indian child by tribal law or custom or under state law; or
- ◆ To whom temporary physical care, custody, and control has been transferred by the parent of the child.

"Indian organization" means any group, association, partnership, corporation, or other legal entity that is owned or controlled by Indians or a majority of whose members are Indians.

"Indian tribe" means any Indian tribe or Indian nation or any other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians. This includes any Alaskan native village as defined in Section 3C of the Alaskan Native Claim Settlement Act.

"Kinship care" means a placement with a relative or suitable person, the full-time nurturing and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or other adults who have a kinship bond with the child.

"Juvenile court officer" means a juvenile court officer or chief juvenile court officer appointed under Iowa Code section 602. (441 IAC 152.1(234))

"Level of care" means one of four levels of treatment services within the group care program. A level is determined by the intensity of services provided, the hours of awake supervision, and the ratio of skill development staff to children. Levels include:

- ◆ Community residential group treatment.
- ◆ Comprehensive residential treatment.
- ◆ Enhanced residential treatment.
- ◆ Highly structured juvenile program.

"Mediation" is a formally facilitated, confidential process that assists parents and other involved adults in developing cooperative solutions for children and families. Mediation has been effective in resolving permanency issues for children.

"Medicaid referral" means referral of a family to the income maintenance unit of the local Department office for determination of Medicaid eligibility.

"Mexican national minor" means any unmarried person who is under the age of 18 and was born in Mexico.

"Multiple nationality minor" means any unmarried person who is under the age of 18 and is a national of two or more countries, one of which is Mexico.

"Need" means the lack of a something required to assure safety, permanency, and well being for a child and family.

"Out-of-home care" means that the Department has placement and care responsibility for a child.

"Parent" in ICWA means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child including adoptions under Tribal Law or custom. It does not include the unwed father where paternity has not been acknowledged or established.

"Parental counseling and education services" are activities directed to addressing behavioral and emotional issues of a child's parent or of the adult relative with whom the child resides that are identified by the Department worker as presenting significant barriers to the safety, stability, permanency or well-being of the child. (441 IAC 182.2(5))

"Permanency" means a child has a safe, stable, custodial environment in which to grow up, and a life-long relationship with a nurturing caregiver. (Public Law 105-89)

"Permanency hearing" means the hearing where the court makes a determination based on the permanency plan that will best serve the child's individual interest. Upon completion of the hearing, the court shall order that the child either be:

- ◆ Returned to the parent;
- ◆ In placement for six months to achieve reunification;
- ◆ Placed for adoption;
- ◆ Referred for legal guardianship;
- ◆ Placed permanently with a fit and willing relative; or

- ◆ Placed in another planned permanent living arrangement, but only in cases where the Department has documented to the court that there is a compelling reason that it would not be in the best interests of the child to reunify with the parents, place with a relative, or refer for adoption or guardianship.

A full permanency hearing is required no later than:

- ◆ 12 months after the date the child is considered to have entered foster care,
- ◆ 6 months after the court orders continued effort to reunify the child with the parents, or
- ◆ Within 30 days of a judicial determination that reasonable efforts to reunify the child and family are not required. (Iowa Code section 232.102(10)“a,” 45 CFR 1355.20)

“Placement and care responsibility” means court-ordered authority or the authority conveyed through a voluntary placement agreement to provide supervision of a child and a child’s placement. Having placement and care responsibility includes, but is not limited to, responsibility to make placement recommendations and the authority to make plans for a child, create permanency goals for the child, and arrange for services towards those goals.

Placement and care responsibility may be given to the Department when a child is placed in out-of-home care, including placements in a licensed foster care facility, in the custody of a relative or suitable person, or in the custody of a child-placing agency. Responsibility for placement and care may or may not include the transfer of custody to the Department or to Juvenile Court Services.

Children whose custody has been transferred from one parent to another parent are not considered as being in an out-of-home placement even if the Department has been ordered to provide supervision, except when the placement is made on a trial basis.

“Priority placement” means placement under ICPC Regulation 7, which establishes procedures for the out-of-state priority placement of children and sets forth limited circumstances under which this procedure may be used.

“Project manager” means a Department employee who is assigned to assist in developing, monitoring, and evaluating a contract and to provide related technical assistance. (441 IAC 152.1(234))

"Psychosocial evaluation" means services to:

- ◆ Evaluate the basic strengths of the child and family;
- ◆ Assess the emotional needs, health and safety of the child and family;
- ◆ Identify the goals and treatment services needed to obtain these goals;
- ◆ Identify the resources available to promote and support these goals; and
- ◆ Identify the general functioning of the child and family. (441 IAC 185.1(234))

"Purchase of service system" means the system within the Department for contracting and paying for services. (441 IAC 152.1(234))

"Reasonable efforts" means the diligent attempt made to:

- ◆ Preserve and unify a family before the out-of home placement of a child in foster care;
- ◆ Eliminate the need for removal of the child;
- ◆ Make it possible for the child to safely return to the family home; or
- ◆ Make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible.

The juvenile court determines whether reasonable efforts have been made. In making this determination, the court considers:

- ◆ The type, duration, and intensity of services or support offered or provided to the child and the child's family.
- ◆ The relative risk to the child of remaining in the home versus removal.

A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include intensive family preservation services or family-centered services if the child's safety in the home can be maintained during the time services are provided. The Department does not need to demonstrate reasonable efforts to the court when there are aggravated circumstances. (Iowa Code section 232.102(10), 45 CFR 1356.21(b))

"Receiving agency" under the ICPC means any state agency, officer, or employee; any court; or any person, corporation, association, or other entity to which the child is sent.

"Receiving state" under the ICPC means the state to which the child is sent, or caused to be sent or brought.

"Rehabilitative treatment service" means a service designed to restore a function or skill that a child lost or never gained as a result of interference in the normal maturation or learning process, due to individual or parental dysfunction. The child must have the capability to learn. Authorizations for rehabilitative treatment services are no longer issued as of January 1, 2007. (441 IAC 130.1(234) and 185.1(234))

"Relative home study and home study update services" are used to gather information in order to:

- ◆ Assess the suitability as a placement resource of the home environment of a relative (including the noncustodial parent) of a specific child who is involved with the Department as a result of a report of child abuse or neglect or juvenile court action,
- ◆ Complete a home study in response to a request received through the Interstate Compact on the Placement of Children, or
- ◆ Gather information necessary to update a home study that was completed on a relative household within one year from the date of the current referral. (441 IAC 182.2(6))

"Relative placement" means placement of a child in the home of an adult who is a member of the child's extended family.

"Reservation" means:

- ◆ Any Indian country as defined in Title XVIII United States Code Section 1151, and
- ◆ Any land not covered under any such Section, title to which is either:
 - Held by the United States in trust for the benefit of Indian tribe or individual, or
 - Held by an Indian tribe or individuals subject to a restriction by the United States against alienation.

"Respite care services" means support services that provide temporary care to children. In family foster care, respite care provides temporary relief for foster parents and foster children. A licensed foster family must provide respite care. All children placed in family foster care are eligible for respite. (441 IAC 156.8(7))

"Sending agency" under the ICPC means any state agency, officer, or employee; any court; any person, corporation, association or other entity which sends, brings or causes to be sent a child for placement.

"Sending state" under the ICPC means the state from which the original referral comes and which the child is sent from or caused to be sent from.

"Service code" means the identifier that describes services provided. (441 IAC 185.1(234))

"Social work case management" is a method of providing services whereby a professional DHS social work case manager assesses the strengths and needs of the child and family and arranges, coordinates, monitors, evaluates, and advocates for a package of multiple services to meet the specific child and family's needs.

"Social work case manager" is the social worker II classification of the Department who administers social work case management.

"Special immigrant juvenile status" or "SIJS" is a specific term used to describe an immigration status under which foreign national minors who come under jurisdiction of a U.S. juvenile court may become permanent residents of the U.S. (in essence, get a "green card"), and then, after five years, apply for U.S. citizenship.

"State custody" means that custody of the child has been placed with the Department for purposes of placement outside of the child's own home.

"Strengths" means those forces and factors which promote the development of the resources and potential of family members and which contribute to the family's ability to meet children's needs and provide a safe and nurturing environment.

"Supervised apartment living" means a foster care arrangement that provides an environment in which the youth can experience living independently in the community with minimum supervision. This arrangement prepares the youth for self support and self care. The child lives in an apartment unit, shops for food, prepares individual meals, and manages time for cleaning and laundry. (441 IAC 202.9(234))

"Supervision services" means:

- ◆ In family-centered services, the activities undertaken to provide the structured monitoring and behavioral oversight needed by a child or the child's family to achieve or maintain the child's safety, permanency, or well-being. These activities may include:
 - Behavior monitoring,
 - Inspection and monitoring of a child's home environment,
 - Oversight of family participation in services,
 - Monitoring of a child's ability to adjust within the community, and
 - Guidance for the family on how to improve their adjustment. (441 IAC 182.2(1))

- ◆ In foster care, the foster care service duties defined in the licensing standards for child placing agencies. Services must include visits with the child and foster family at least every 35 days. (441 IAC 156.7(2))

“Supportive services” means:

- ◆ Supervision and home studies in family foster care. (441 IAC 185.1(234))
- ◆ Group care maintenance. (441 IAC 185.1(234))
- ◆ Family-centered community resource procurement, family team meeting facilitation, flexible family support fund, parental counseling and education, relative home studies and home study updates, and supervision services. (441 IAC 182.1(234) and 185.1(234))

“Treatment plan” means a written, goal oriented plan of service developed for a child and family by the provider. (441 IAC 185.1(234))

“Trial home visit” means that a child who has been in out-of-home care has returned home to a parent, to the home from which the child was removed, or to another home, when placement in that home is intended to become a permanent home for the child, but the child remains under the Department’s responsibility for placement and care.

A trial home visit extends the episode of out-of-home care for up to six months when the trial home visit is considered temporary and a step towards the child’s permanent plan. A trial home visit does not include:

- ◆ Regular visitation between a parent and a child who is in out-of-home care,
- ◆ A return home that is intended to be permanent, or
- ◆ A return home when the court terminates the Department supervision.

“Tribal court” means a court that has jurisdiction over child custody proceedings and is either:

- ◆ A court of Indian offenses,
- ◆ A court established and operated under the Code or custom of an Indian tribe, or
- ◆ Any other administrative body of a tribe that is vested with authority over child custody proceedings.

“Uniform Child Custody Act” means federal legislation intended to assist in determining which of two or more state court systems is the appropriate one to determine custody of a child in a particular case. The act establishes rules and procedures for determining custody of the child and cooperation of the courts involved.

“Unit of service” means a specified quantity of service. (441 IAC 152.1(234))

Topic 2: Family Team Meetings

Link to [Procedure](#)

Evidence-based best practices demonstrate that family team meetings support family-centered practices and are effective in ensuring the participation and cooperation of parents and their support systems in providing for the safety, well-being, and permanency of the child. Family team meetings help support the continuity and congruency of the efforts, services, and supports being mobilized.

A family team decision-making meeting is the focal point for case planning, coordination, communication, and accountability. Family team decision-making meetings should occur throughout the life of the case, with meetings occurring:

- ◆ When the individualized case permanency plan is developed.
- ◆ Whenever goals, strategies, and service needs change.
- ◆ When there seems to be insufficient progress and outcome achievement needs to be addressed.

There are some situations where family team meetings require particular careful thought and preparation, and where meetings may not be advisable. Each case is individual and should be evaluated based on the family's needs and circumstances. Follow local service area protocol in determining whether to hold family team meetings.

Link to [Family Team Decision-Making Evaluation Handbook](#)

Preparing for the Family Team Meeting

1. Consider family team meetings for all families from the assessment phase of the life of the case through case closure.
 - ◆ Use the family team approach in any situation that requires a plan to:
 - Address protective issues (child or dependent adult),
 - Prevent out-of-home placement,
 - Establish concurrent planning or permanency options for a child, or
 - Return a person into a family or community setting.

- ◆ Situations where the family team meeting may not be appropriate include:
 - Cases where parental rights have been terminated.
 - Situations involving sexual abuse, domestic violence, or court restraining orders.
 - Circumstances that place the child or other team members in danger or significantly inhibit attainment of the child's permanency goal.
- 2. Review information for the family team meeting:
 - ◆ Review the CPS referral packet:
 - Life of the Case – Case History
 - [Child Protective Services Assessment Summary, form 470-3240](#)
 - [Safety Assessment/Plan, form 470-4132](#)
 - [Family Risk Assessment, form 470-4133](#)
 - [Application for All Social Services, form 470-0615](#)
 - ◆ Engage with the family and begin to establish a trust-based relationship and a collaborative tone.
 - Set a positive tone.
 - Promote mutual understanding of the critical safety and risk factors.
 - Agree to what is to be accomplished.
 - Reduce anxiety.
 - Plan how to manage emotions positively.
- 3. Prepare the family for the family team meeting:
 - ◆ Explain the purpose, focus, and scope of the family team meeting and solicit their willingness and cooperation.
 - ◆ Help the family to understand what is expected and what will happen at the family team meeting.
 - ◆ Explain your participation in the family team meeting and your responsibilities for follow-through.
 - ◆ Encourage the family to think about how they see their family functioning using the family functioning domain criteria as a guide.
 - ◆ Help the family identify their support system that should be included in the family team meeting.
 - ◆ Assist the family in developing natural supports that will enhance the family's capacity and build a circle of support.

- ◆ Collaborate with the family to identify other service providers that should participate in the family team meeting.
 - ◆ Complete necessary release of information forms with the family.
 - ◆ Answer any questions the family might have about the family team meeting.
 - ◆ Identify any special considerations that may preclude some individuals' participation in the family team meeting, such as a court restraining order or domestic violence.
4. Identify team members that are critical to identifying strengths, identifying options for accomplishments of goals, contributing their skills and resources as family supports, holding others accountable for commitments, identifying critical decisions and providing feedback about progress. Consider:
- ◆ DHS: When possible the CPW and SWCM should participate in the initial family team meeting.
 - ◆ Family members: Encourage the family to define membership and encourage participation.
 - ◆ Stakeholders: Family support systems, schools or other individuals that will assist the family in its efforts to change.
 - ◆ Facilitator: The facilitator may be DHS staff or others trained to facilitate family team meetings.
 - ◆ Other professionals:
 - Special circumstances in the family such as domestic violence, may require other professionals who have specialized knowledge and skills to meet identified family needs.
 - Consider those people who collectively possess the technical skills, have knowledge of the family, have the authority, and have access to the resources necessary to organize effective services for the child and family.
5. Consider logistics and the family's culture:
- ◆ Arrange for a mutually agreeable and accessible location that maximizes opportunity for family participation.
 - ◆ Explore with the family the best time and date to meet.

- ◆ Identify and address potential barriers for family participation such as child care or transportation.
 - ◆ Determine if a language barrier exists or cultural issues need to be considered and take steps to respond to the family's cultural and language needs as necessary.
6. Prepare family stakeholders and other professionals:
- ◆ Provide the team participants with the time, location, and purpose of the family team meeting.
 - ◆ Explain the purpose of the family team meeting and solicit their willingness to support the family.
 - ◆ Clarify their role to facilitate and support positive outcomes for the child and family.
 - ◆ The family team facilitator will provide background information on the family – their strengths and needs and concerns of the family and child.
 - ◆ The family team facilitator will meet with the family to clarify issues, gain family input, and support the preparation of the family to participate in the family team meetings.
 - ◆ Explain expectations regarding responsibility and follow-through.

Conducting the Initial Family Team Meeting

1. Facilitate the family team meeting process:
- ◆ Introduce family team meeting members and identify the roles of each member.
 - ◆ Ensure that all team members sign a confidentiality agreement.
 - ◆ Establish and agree upon set of ground rules to be used during the meeting.
 - ◆ Review the agenda to ensure that participants understand the focus and purpose of the meeting.
 - ◆ Establish a procedure for recording important topics that surface during the meeting.

2. Identify strengths and needs of family:
 - ◆ Encourage the family to share their perspective on their strengths and needs.
 - ◆ Facilitate open and honest discussion regarding the issues that brought the family to the agency's attention.
 - ◆ Address issues that concern the SWCM that the family may not have addressed.
3. Develop with the family team a case plan – services and strategies:
 - ◆ When possible allow the family to identify the order of needs to be addressed as long as the safety of the child is addressed.
 - ◆ Mutually agree on the goals that address the issues that require the agency involvement.
 - ◆ Discuss service options for the family (formal and informal) and encourage the family to identify what would be most effective for them.
 - ◆ Identify specific steps that state who is going to do what, when, where, how often, and how long to accomplish each goal.
 - ◆ Facilitate and document agreement of the [*Family Case Plan, form 470-3453*](#):
 - Using the B. *Family Case Plan* form/tool, document the agreed upon plan distribute to the team promptly.
 - Review and affirm agreement of the plan by the participants.
 - Obtain signatures.
4. Affirm the family during the closing of the family team meeting by:
 - ◆ Recognizing the contribution of the team and thank them.
 - ◆ Setting a date for the next family team meeting or to review the plan.

Follow-Up on the Family Team Meeting

1. Write and distribute the plan to the team promptly, ensure that any formal services are initiated, assess the progress with the family to determine if the plan is promoting change, and reconvene the team if steps are not being accomplished or progress is insufficient.
2. It is critical that workers (with supervisory support) agree and follow through with the team decisions. If there are changes required in team decisions, the team should be reconvened.

Topic 3: Reasonable Efforts

Before determining a child to be unsafe and initiating removal of the child from the child's home, you must consider **reasonable efforts to prevent removal**, including:

- ◆ Initiating community services such as public health visitor or visiting nurse services.
- ◆ Initiating homemaker services or family-centered services (dependent on an abuse finding or a court order).
- ◆ Implementing intensive family-centered services (dependent on an abuse finding or a court order).
- ◆ Bringing protective relatives to the child's home while the parents leave the home.
- ◆ Obtaining a court order requiring the person responsible for the abuse to leave the home, when other family members are willing and able to protect the child adequately.
- ◆ Having the nonabusing caretaker move to a safe environment with the child.
- ◆ Placing the child voluntarily with relatives or friends.
- ◆ Placing the child in voluntary foster or shelter care.

Always ensure that the child's health and safety are the paramount concerns in making reasonable efforts to prevent removal, reunify the family, or achieve another permanent placement.

Progress towards achieving the permanency goal in a timely manner must be documented in the case plan. Consider the following key factors in assessing service delivery for **reasonable efforts to achieve the permanency goal**:

- ◆ Relevance of services: Were the right services provided to address the unique needs of the child and family?
- ◆ Adequacy of services: Were enough services provided? What was the duration and intensity?
- ◆ Coordination of services: Was there coordination and communication among the family's providers?
- ◆ Accessibility of services: Were services offered at times and in locations best suited to the family's needs?

- ◆ Diligence of efforts: Did the state agency make affirmative and diligent efforts to offer and provide services?
- ◆ Agency constraints: Were there any constraints on the state agency's service delivery?

Aggravated Circumstances

Situations that qualify as "aggravated circumstances" and may furnish grounds for a judge to waive efforts to reunify the child with the parents include the following:

- ◆ The parent has abandoned the child.
- ◆ The parent has been convicted of:
 - A felony assault that resulted in serious bodily injury to the child or a sibling; or
 - The murder or voluntary manslaughter of the child's sibling; or
 - Aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of the child's sibling.
- ◆ The parent's parental rights have been terminated for another child in the same family in Iowa or in another state, and there is clear and convincing evidence that the offer or receipt of services would not be likely to correct the conditions that led to the child's removal.
- ◆ The child meets the definition of a child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents, and there is clear and convincing evidence that both:
 - The abuse or neglect posed a significant risk to the child's life or constituted imminent danger to the child, and
 - The offer or receipt of services would not correct the condition that led to the child's abuse or neglect within a reasonable period.

Offer evidence to the county attorney to present to the court to show that reasonable efforts have been made or to justify a finding of "aggravated circumstances." Presentation of this evidence in reports and testimony will provide specific information for judges to include in reasonable effort findings in their court orders.

Topic 4: Types of Placement

Types of placement include:

- ◆ Kinship care (placement with a relative or a significant other who has a relationship with the child)
- ◆ Family foster care
- ◆ Shelter care
- ◆ Group foster care:
 - Community residential facility
 - Comprehensive residential facility
 - Enhanced residential facility
 - Highly structured residential treatment facility
- ◆ Supervised apartment living
- ◆ State juvenile facilities at Toledo and Eldora
- ◆ Juvenile detention facility
- ◆ Psychiatric medical institution for children (PMIC)
- ◆ Intermediate care facility for persons with mental retardation (ICF/MR)
- ◆ Residential care facility (RCF)
- ◆ Residential care facility for persons with mental retardation (RCF/MR)
- ◆ Residential care facility for persons with mental illness (RCF/MI)
- ◆ State mental health institute (MHI) at Clarinda, Cherokee, Independence or Mt. Pleasant

Topic 5: Interstate Compact on the Placement of Children

Link to [Policy](#)

Link to [Case Planning Procedures](#)

Link to [Out-of Home Placement Procedures](#)

Link to [Permanency Options Procedures](#)

Link to [Definitions](#)

The Interstate Compact on the Placement of Children (ICPC or the Compact) is a uniform law that has been enacted in all 50 states, the District of Columbia, and the U.S. Virgin Islands. The ICPC establishes a contract among these jurisdictions that:

- ◆ Ensures orderly procedures for the interstate placement and postplacement supervision of children, and
- ◆ Fixes responsibilities for those involved in placing the child.

Each jurisdiction designates officials to administer the ICPC. The deputy administrator of the Iowa Interstate Compact Unit is located at the DHS Division of Child and Family Services, 1305 E. Walnut Street, Des Moines, IA 50319-0114. Communication between the "sending state" and the "receiving state" must flow through the ICPC administrator by means of an ICPC referral.

The "sending agency" (that sends, brings or causes a child to be brought or sent to another state) may be:

- ◆ A state that is party to the Compact, or any officer or employee of a party state;
- ◆ A subdivision, such as a county or a city, or any officer or employee of the subdivision;
- ◆ A court of a party state; or
- ◆ Any person (sometimes including parents and relatives), corporation, association, or charitable agency of a party state.

The Iowa Interstate Compact Unit uses form [470-0790, ICPC Interstate Compact Transmittal](#), as a cover memo for information being forwarded from Iowa to another state or received from another state. When you receive a transmittal, note to whom the form is being sent and determine whether you need to take any action. The form is often copied to DHS staff to document when information was sent to another state.

Note: In the event of problems, the local supervisor should make phone or e-mail contact with the Iowa Interstate Compact Unit. The area service administrator may make this contact if the service supervisor is not available.

Cases Subject to ICPC

The following cases require a referral to the Iowa Interstate Compact Unit whenever a child is to be placed outside the child's current state or jurisdiction:

- ◆ Birth parent unification or reunification when a court has jurisdiction of the child.
- ◆ Kinship care by relatives when a court has jurisdiction of the child.
- ◆ Foster family care.
- ◆ Foster group care.
- ◆ Residential treatment facility placement by a parent, an agency, or a court.
- ◆ Domestic adoptions arranged by a public agency, a private licensed child-placing agency or an independent private adoption attorney.
- ◆ International adoptions, including a child adopted within the United States and children adopted abroad by "proxy" or for whom the U. S. Citizenship and Immigration Service has issued an IR-4 visa.

Note: If it is anticipated that a child's stay will last less than 30 days, a referral to ICPC is not needed. See [Visits](#).

A Department referral to ICPC requires that the court have jurisdiction of the child. A recommendation to terminate court jurisdiction should not be made to avoid responsibilities set forth under the Compact. A court in Iowa takes jurisdiction of a child through the process of filing a CINA petition or the temporary removal of a child. Once either of these actions been taken, an ICPC referral can be made.

After filing of the CINA petition and before adjudication, follow ICPC procedures unless the placement that is not subject to ICPC and no home study or supervision is needed. Once a child is adjudicated, ICPC procedures must be followed. The case should not be dismissed in order to place the child in another state.

Cases Not Subject to ICPC

The following cases are not subject to ICPC and do not require a referral to the Iowa Interstate Compact Unit:

- ◆ Children moving between the homes of relatives when no court has jurisdiction over the child. This includes moves:
 - From birth parent to birth parent.
 - From birth parent to relative.
 - From relative to birth parent.
 - From relative to relative.
- ◆ Children admitted to any medical facility for the sole purpose of medical care.
- ◆ Children placed in a facility for the sole purpose of education (boarding school).
- ◆ Juveniles who have been adjudicated delinquent. (These placements are subject to the Interstate Compact on Juveniles.)
- ◆ Divorce and custody investigation.
- ◆ International adoptions when the U. S. Citizenship and Immigration Service has issued an IR-3 visa for the child being adopted.
- ◆ Requests received through International Social Services or any of its branch offices overseas for home studies or social services.
- ◆ Finalized adoptions with subsidy in which the family moves to another state.

Visits

A "visit" is not a placement within the meaning of the ICPC. No ICPC referral should be made. "Visits" and "placements" are distinguished based on:

- ◆ Their purpose.
- ◆ Their duration.
- ◆ The intention of the person or agency with responsibility for planning for the child as to the child's place of residence.

Use the following criteria, which have been adopted nationally, to distinguish a visit from a placement:

- ◆ The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has assumed legal responsibility for providing child care.
- ◆ If the child's stay is intended to be for no longer than 30 days and if the purpose is as described above, it is presumed that the circumstances constitute a visit rather than a placement.
- ◆ A stay or proposed stay of longer than 30 days is a placement or proposed placement. **Exception:** A stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school.
- ◆ If a stay does not from the outset have an express termination date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement.

Note: A request for a home study or supervision made by the person or agency that sends or proposes to send a child on a visit will conclusively establish that the intent of the stay is **not** a visit.

Placing an Iowa Child Out of State

When it is anticipated that an out-of-state placement may be needed for a child who is under the jurisdiction of the juvenile court:

1. If the referral involves a child who is of known or suspected Native-American heritage, follow the procedures prescribed by the [Indian Child Welfare Act](#). This involves notification to the Bureau of Indian Affairs. Consult with service supervisors regarding cases involving Native American children and ICPC referrals.
2. Contact the proposed placement to determine the family's interest in completing a home study and willingness to accept the child for placement, including financial and medical arrangements. If a family is not interested or able, do not make an ICPC referral for that placement. Document the reasons.
3. If the placement resource is interested, begin planning for financial and medical arrangements. Determine the person or agency that will be financially responsible for the cost of services and medical coverage for the child who is being placed. (See [Funding for Interstate Services](#).)

When custody is being placed with a parent or other relative, consider financial responsibility in the following order:

- ◆ Parent or relative
 - ◆ Juvenile court
 - ◆ DHS
4. Initiate an ICPC referral through the Iowa Interstate Compact Unit. Prepare the packet of information according to the instructions in [Initial Referral Packet](#). Do not make direct referrals to the other state in an effort to expedite the process. If you believe that immediate attention is needed regarding the referral, see [Priority Placement Request](#).

Note: The Compact recommends 8 weeks or 60 working days as the maximum processing time for referrals, measured from the date the ICPC administrator receives notice of the proposed placement until the date when the placement is approved or denied.

5. Upon receipt of a referral packet, the Iowa Interstate Compact Unit will:
- ◆ Send the referral to the ICPC office of the proposed placement state, who will then forward to their local office to process.
 - ◆ Send a copy of the transmittal form for the referral to the other state to the Iowa local office to confirm the information was sent.
6. When the receiving state completes the home study, and approves or denies the placement, this response will be forwarded to the Iowa Interstate Compact Unit with the ICPC 100A, *Interstate Compact on the Placement of Children Request* ([470-0781](#)), marked approved or disapproved. The Iowa Interstate Compact Unit then sends this to the Iowa local office with a transmittal attached.

If the receiving state disapproves the placement, the placement shall **not** be made. A placement made against the recommendation of the receiving state constitutes an illegal placement, and is subject to penalties set forth in Iowa law.

Note: The approval of the placement by the receiving state is contingent upon that state's laws. The sending state must comply with the laws of the receiving state regarding the placement of children. Therefore, the receiving state may change a request made on an ICPC 100A for a type of placement by if it violates the laws of that state. Example:

Iowa requests a relative home study in another state. That state requires that any person who has a child placed in the person's home must be a licensed foster home and the child must be in foster care status. The receiving state can require that the ICPC 100A request be changed to a foster care home study.

7. If the other state approves the placement, you may then decide to use the placement and make necessary arrangements to send the child to the other state. Complete the placement within six months of approval. A relative home study is valid for six months from the date of completion. Adoptive home studies and foster care home studies are valid for one year.
8. If you decide not to use the placement, notify the Iowa Interstate Compact Unit using form ICPC 100B, *Report on Child's Placement Status* ([470-0788](#)). That information will be sent to the other state.

Initial Referral Packet

These instructions apply for any type of ICPC placement request, including parent or relative placement, group foster care, family foster care, or adoption.

1. Completely fill out form ICPC 100A, *Interstate Compact on the Placement of Children Request* ([470-0781](#)). Prepare a separate ICPC 100A for each child.
 - ◆ The Iowa Interstate Compact Unit perceives all referrals as an application for placement, even if you feel that an actual placement is very remote. Therefore, always complete and respond to questions on the ICPC 100A from perspective of "what if a placement occurred."
 - ◆ Indicate on the form whether the child is or is not IV-E-eligible. (Juvenile court offices must contact the DHS service worker for IV-E information.)
 - ◆ Sign and date the form.

2. Assemble the following information:

- ◆ Documentation of authority to place child. For DHS, this is the most recent petition, adjudication, or disposition order that gives DHS custody, guardianship or supervision.
- ◆ A financial and medical plan for the child to be used while in placement. You can explain the plan in the cover letter of the packet or you may use [ICPC Financial and Medical Plan, form 470-3827](#).
- ◆ The social history (background report) of the child or a substitute document containing background information.
- ◆ Clinical or provider reports that are essential to referral.
- ◆ The child's case permanency plan.
- ◆ For **group care** placement, also include:

- Approval of the service area manager or designee
- Area education agency approval to fund the educational component

Note: You may also be required to get an exception to policy for certain out-of-state group facilities. If so, you can seek this simultaneous to making the ICPC referral. However, the child cannot be placed until both are approved. Refer to the exception to policy request in your cover memo. (See also [Out-of-State Group Care Placement](#).)

- ◆ For a **foster family care** placement, also include:
 - Service area manager approval according to criteria and procedure in family foster care procedures.
 - Area education agency approval to fund the educational component, if applicable.
 - The most recent licensing evaluation for an Iowa foster family that is moving out of state. (If the license is due for renewal within 90 days after the move, the license must be renewed before the move.)
- ◆ For an **adoptive placement**, also include:
 - A copy of the adoptive home study, if available.
 - Birth and health information on the child being referred.
 - A copy of the petition for adoption (if available).
 - Previous supervisory reports, if the adoptive parents are moving before the finalization of the adoption.

3. Prepare a memo to the ICPC administrator, including:
 - ◆ The placing worker's name, phone number, and address.
 - ◆ The child's name and birth date.
 - ◆ The type of placement or home study requested (parent or relative, foster care, adoptive).
 - ◆ The name and address of the proposed placement. (For a foster family placement, clarify the licensing status of home under consideration.)
 - ◆ A brief summary of pertinent information with any specific problems or needs.
 - ◆ Statement of permanency plan for the child.
 - ◆ Reference to service area approval of placement and whether an exception to policy is being requested.
4. Prepare three copies of all placement materials except form ICPC 100A and assemble these materials into three separate packets. Place the original and five copies of the ICPC 100A, unseparated, on top of the referral packets.

Note: If a sibling group is going to the same placement, only three packets are required, not a separate set of packets for each child.

Priority Placement Request

ICPC Regulation No. 7 establishes procedures for the out-of-state "priority placement" of children. A priority placement order is justified when:

- ◆ The agency's proposed placement is with the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian; and
- ◆ The child either:
 - Is under two years of age, or
 - Is in an emergency shelter, or
 - Has spent a substantial amount of time in the home of the proposed placement recipient.

A priority placement order also is justified for any type of ICPC placement when:

- ◆ The compact administrator in the receiving state has had a properly completed ICPC 100A and supporting documentation for over 30 business days, but
- ◆ The sending agency has not received notice on whether the child may be placed.

Note: Priority placement procedures do **not** apply when:

- ◆ One of the relatives listed above sends or brings the child into another state and leaves the child with a relative or guardian in that state. The ICPC applies only to placements made by an agency;
- ◆ The request is for placement of the child in a licensed or approved foster family home or adoptive home; or
- ◆ The child is already in the receiving state in violation of the ICPC.

Initiating a Priority Placement Request

To initiate a priority ICPC placement, the court in the sending state must determine that a proposed priority placement of a child from one state to another is necessary. The court can take this action upon request, on its own motion, or when court approval is required.

1. When the service worker, supervisor, and judge determine that a referral meets one of the criteria for a priority placement, prepare an order and present it to the judge for signature. The court order must:
 - ◆ Contain an express finding that one or more of the circumstances justifying priority placement applies to a particular case.
 - ◆ Set the facts on which the court bases its findings.
 - ◆ Contain the typed name, address, telephone number, and, if available, the fax number of the judge and the court issuing the order.
2. The issuing judge must sign the court order and finding. The court has two business days to send the signed court order to the sending agency.
3. Within three business days of receipt of the order, prepare a referral packet that includes:
 - ◆ A cover letter indicating that the request is entitled to priority processing
 - ◆ The signed court order

- ◆ Form [ICPC 100A](#), *Interstate Compact on the Placement of Children Request*
- ◆ Form [ICPC 101](#), *Sending State Priority Home Study Request*
- ◆ Supporting documentation

Send the packet to the Iowa Interstate Compact Unit by overnight express mail carrier service.

Notify the compact administrator by a telephone call and by electronic mail that the request is coming.

4. The Iowa Interstate Compact Unit has two business days to validate the priority placement request and forward it by overnight express mail to the receiving state's Interstate Compact Unit.

If the documentation for the request is insufficient, the compact administrator will notify the service worker by electronic mail, specifying the additional information needed.

5. The receiving state has 20 business days to make a decision whether or not the priority placement can be made. **Note:** This period may be modified (either up or down) with a written agreement between the court that made the priority order, the sending agency, and the compact administrators of both the sending and receiving states. Each modification applies only to the single case for which it is negotiated.
 - ◆ Maintain contact with the compact administrator to stay abreast of the status of the referral.
 - ◆ Keep the court which issued the order informed about the status.
6. The receiving state compact administrator will transmit the decision by faxing the ICPC 100A back to the Iowa Interstate Compact Unit, followed by a complete hard copy of the priority placement referral.
7. The Iowa Interstate Compact Unit will fax the ICPC 100A to the service worker or supervisor immediately and send the hard copy when received.
8. Notify the court of the final decision.

Noncompliance

If the receiving state fails to give a decision of the proposed placement within the prescribed period, the receiving state shall be deemed out of compliance with the ICPC.

If there appears to be a lack of compliance, the court that made the priority order may so inform an appropriate court in the receiving state. The sending court may provide the receiving court with copies of relevant documentation of the case, including the making of appropriate orders, for the purpose of obtaining compliance.

Placement of Child

1. Upon approval of the proposed placement, obtain court authorization before making placement arrangements.
2. The arrangements and expenses for placement are the responsibility of Iowa. Work with your supervisor, the proposed placement, and the local office in the receiving state to arrange to send the child to the placement. If there are expenses for the child's travel, work with your service area office to arrange for out-of-state travel.
 - ◆ Arrangements to fly a child out of state are made through the Field Office Support Unit. To obtain funding for the child's travel, work with your supervisor and service area manager. Possible funding sources for the child's travel are:
 - Decategorization
 - Court-ordered service funds
 - County money
 - Special grant money (for adoptive placements)
 - Community resources (Salvation Army, churches, service organizations, etc.)
 - ◆ If you need to accompany the child out of state, obtain prior authorization through the service area, including obtaining permission to travel out of state. You must initially pay your expenses, including airline tickets, and then request reimbursement for them through a Travel Voucher after the trip is complete.
3. Prepare three copies of a placement packet that includes the following:
 - ◆ Pertinent medical information, including immunizations

- ◆ School transcripts or information as to where transcripts can be obtained
 - ◆ Written authorization for the receiving person or agency to consent to medical or surgical needs, or information on who to contact in Iowa that can consent to such care, including telephone numbers for 24 hours a day
 - ◆ An updated court order, if this has changed since referral packet was sent
 - ◆ A copy of placement agreement with the foster family or facility
 - ◆ A travel authorization, if someone other than the legal parent is transporting the child to placement
4. Send three packets to the Iowa Interstate Compact Unit to be forwarded to the receiving state's Interstate Compact Unit. Include:
- ◆ A brief cover memo describing plans for placement and noting that you have sent a packet directly to the supervising agency.
 - ◆ An original plus three copies of ICPC 100B, *Report on Child's Placement Status* (form [470-0788](#)).

Postplacement Activities

Once an Iowa child is placed out of state, the other state can be expected to supervise the placement and provide reports as requested on the [ICPC 100A](#). Services begin when the receiving agency receives your ICPC 100B from the Interstate Compact Unit. Iowa shall retain jurisdiction over the child until the receiving state recommends termination of Iowa's jurisdiction.

Services to Child in Placement

1. During the course of the placement, maintain case management responsibilities. This may include responding to requests for additional services, payment problems, placement needs or other issues.
2. Iowa maintains financial responsibility for the child.
 - ◆ For foster care placements, make maintenance payments through FACS. Give verification of licensing to the licensing staff in your service area, so they can set the family up as a provider in FACS.

Pay Iowa foster family rates, unless the child's family lives in the other state and the goal is to reunite the child with the family. In these rare instances, the service area manager or designee may authorize a payment at the rate in effect for the other state.

- ◆ If it is necessary to make pre-subsidy payments for adoptive placements, set the family up as a provider in FACS upon receipt of the approved home study. Responsibility for the child's subsidy payment remains with Iowa for the duration of the placement, even though the ICPC case will be closed at the time of finalization.
3. If additional service needs are identified later in the placement, explore funding through Medicaid or local resources. Always encourage the family where the child is placed to apply for Medicaid in their state.
 4. If funding is not available through these means, consider the use of:
 - ◆ Decategorization funding.
 - ◆ Payment from foster care funds, if applicable. (See Out-of-Home Placement Procedures: [Services Not Covered by Medicaid](#).)
 - ◆ Payment of special services subsidy for service needs of pre-adoptive and adoptive families. (See Adoption Procedures: [Special Services Subsidy](#).)
 - ◆ A purchase of social services contract negotiated with an agency in the other state (applicable under very limited circumstances).

Supervision

Note: The receiving state will send supervisory reports through their Interstate Compact Unit, who will then forward them to the Iowa Interstate Compact Unit. The reports are then sent to the DHS local office with a transmittal attached. Reports may be sent directly to you, but the receiving state also must send reports through the Iowa Interstate Compact Unit.

1. Monitor the receipt of the supervisory reports according to the frequency specified on the [ICPC 100A](#) in the original referral packet. If supervisory reports are not received as requested, have your supervisor notify the Iowa Interstate Compact Unit.
2. When you receive supervisory reports, forward them to the juvenile court and to all other interested parties, according to local procedures. These reports will vary in format, but are generally in a memo form.

Notify your supervisor and the Iowa Interstate Compact Unit whenever information contained in a report raises concerns about ICPC compliance or the safety of the child is in question.

3. You may have ongoing phone contact to monitor the placement or discuss any service needs. Do not enter into any agreements with the receiving state without prior consultation with the Iowa Interstate Compact Unit.

Changes in the Child's Placement

1. Submit a new form [ICPC 100B](#) indicating the change if:
 - ◆ There is a change in address where the child is residing, or
 - ◆ The child's "level of care" changes but a new study is not needed (e.g. from foster care to group care).
2. Complete a new form [ICPC 100A](#) if:
 - ◆ The child's "level of care" changes and a new home study is needed. For example, when a relative is applying to adopt the child, a referral must be submitted requesting an adoptive study.
 - ◆ A child intends to move from the state where originally placed to another state. Follow the procedures for initial referrals.

Disruption of Placement

1. If concerns arise regarding the placement of the child to the extent that the child needs to be placed elsewhere for a short period in order to maintain the placement, work with the local office in the receiving state to determine an appropriate placement for the child.
2. Once an appropriate placement is located, obtain any necessary court orders from Iowa to facilitate this placement (placing a child in shelter care or family foster care, for example).
3. Notify the Iowa Interstate Compact Unit immediately regarding the change in placement. Except in an extreme emergency, the supervising person or agency should not place the child before receiving authorization from Iowa.
4. Work with the supervising person or agency in the receiving state to return the child to the original placement as soon as it is safe or appropriate to do so.
5. If the placement completely fails, and the child needs to be returned to Iowa, work with the supervising person or agency in the other state on arrangements to return the child to Iowa. Also contact the Iowa Interstate Compact Unit regarding the placement failure.

Note: Expenses incurred in returning the child to Iowa are the responsibility of Iowa. See [Placement of Child](#) for details on funding and travel arrangements.

Runaways

1. If a child runs away from the placement in the other state, the person with whom the child is placed should report this to local law enforcement and request that the child be placed on the National Crime Information Center. This identifies the child as a “runaway” child and makes the child subject to provisions of the Interstate Compact on Juveniles.
2. When travel arrangements to return runaway children who are under the custody or guardianship of DHS to Iowa are needed, first contact the Iowa Interstate Compact Unit to request assistance. The Iowa Interstate Compact Unit is responsible for returning all runaways who are in the custody or under the guardianship of the Department.
 - ◆ If worker travel is needed in order to return the child, make those arrangements with the assistance of the service area office, including permission to travel out of state.
 - ◆ Expenses for the social worker, including airline tickets, are paid initially by the social worker, and then are reimbursed through form TP07-410, *Travel Payment*, when the trip is complete. Coordinate travel arrangements with either the Iowa Interstate Compact Unit or the Field Operations Support Unit, depending on which unit is making arrangements for the child’s return.

Note: The Iowa Interstate Compact Unit will arrange for the return of runaways who are not under any legal jurisdiction but whose parents are legal residents of Iowa and are unable or unwilling to pay for their return.

The Unit will request the service area where the parents reside to assist in planning with the parents for the return of their child and to follow up with services for the child upon return. (The Interstate Compact on Juveniles covers these situations.)

For assistance regarding children who have been taken out of state illegally by parents and need to be returned to Iowa, contact the Field Operations Support Unit. Refer to Out-of-Home Placement Procedures: [Unauthorized Absence of a Child From Placement](#).

Termination and Closure of a Case

An ICPC case may be closed when:

- ◆ The child's adoption is finalized, or
- ◆ The child reaches majority age according to the sending state, or
- ◆ The receiving state gives concurrence to close the case

Note: An ICPC case may also be closed when the child commits a delinquent act in the receiving state and the judge in the receiving state and the judge in Iowa determine that jurisdiction of the case should be assumed by the other state. These cases are not common and generally involve consultation with the Iowa Interstate Compact Unit and Juvenile Court Services staff.

1. When a child's adoption is finalized in Iowa, send three copies of the adoption decree and four copies of the [ICPC 100B](#) to the Iowa Interstate Compact Unit. If the adoption is finalized in the other state, send the ICPC 100B and the adoption decree, if available.
2. Before recommending dismissal of Iowa's juvenile court action, consider the legal status of the child if this action is dismissed. Legal custody or guardianship may need to be awarded to the parent or relative where the child is placed. Depending upon the state where the legal action occurs, this action could take place in a court other than juvenile court.

Note: Through discussions and reports from the receiving state, the supervising person or agency can recommend that Iowa dismiss jurisdiction. The formal recommendation to close must be in writing from the receiving state and go through the Iowa Interstate Compact Unit. This usually occurs through a progress report.

3. Obtain the other state's permission before you recommend dismissal of the Iowa juvenile court case. If consensus cannot be reached, your supervisor may involve the ICPC administrator to help negotiate.
4. Once Iowa receives the recommendation to dismiss jurisdiction, you can recommend to the juvenile court that the case be dismissed.
5. When the court dismisses the case, send three copies of the court order and four copies of the ICPC 100B to the Iowa Interstate Compact Unit. Close the case after you receive a transmittal from the Unit when the information is sent to the receiving state and the ICPC case is closed.

Funding for Interstate Services

Policies about funding for interstate cases are based upon the laws governing these cases and are generally intended to be reciprocal. In the examples below, Iowa is the sending state. If a child is placed from another state into Iowa, these same rules and principles apply.

Note: If the child is placed in the home of a parent, the child will assume the residency of the parent, and therefore may be able to receive services based on the eligibility standards of the state where the parent lives.

If the child is placed in a non-parental placement and legal responsibility has been given to the caretaker, the child may also be eligible for services from the state in which the child is placed. These situations need to be negotiated with the state where the child will reside.

Home Studies, Basic Supervision, and Progress Reports

By reciprocal agreement, home studies, basic supervision of placements, and progress reports about placements are provided at no charge to the sending state as long as the case qualifies for ICPC. It does not matter if the services are provided directly using state agency staff or are purchased. The sending state is not expected to pay for the home studies.

Consider the following options for completing an ICPC **home study** requested by another state:

- ◆ 100% state funds may be used. (Payment is made through FACS using A7.)
- ◆ Decategorization funds may be used. (Payment according to local practice.)
- ◆ The family may arrange to make private payment on a voluntary basis.
- ◆ Department staff may complete the home study directly.
- ◆ A home study may be purchased from a private agency through the recruitment and retention contractor.

Determine the amount of **supervision** services needed to ensure the safety of the child and to assist in the success of the placement.

- ◆ There is no minimum or maximum amount of supervision services dictated by ICPC regulations. At a minimum, supervision needs to be provided at the frequency identified on the [ICPC 100A](#) that has been submitted and approved.
- ◆ Supervision of ICPC placements from other states is generally arranged using purchased family-centered services or foster care supervision but may be done directly by DHS.

Maintenance Costs

Maintenance costs are the general cost of living expenses for the child's care (room and board, personal supplies, clothing, etc.).

When an Iowa child enters a **foster care**, **preadoptive**, or **adoptive** placement, ensure that Iowa DHS has verification that the home where the child will stay is either licensed for foster care or approved for adoption in the other state.

In these cases, maintenance costs can be paid through the FACS system. The other state must provide enough information through the home study and the ICPC approval process to allow the home to be entered into the FACS system as a provider. Maintenance payments can then be generated in the normal manner.

Note: Iowa pays the Iowa rates for most foster family care. The service area manager or designee can authorize the rate in effect in the other state if the child's family lives in that state, and the goal is to reunite the child with the family.

If the placement is in a **relative's** home, discuss maintenance costs with the relatives before placement. The family usually absorbs the child's maintenance costs or applies for TANF (FIP) caretaker benefits in the other state. Ideally, the family should speak to the local public assistance office to verify their eligibility for benefits. Incorporate this information into the child's medical and financial plan.

Also consider the child's unearned income, such as court-ordered child support or Social Security disability or survivor's benefits, etc. Policy generally requires these payments to be payable to the person who is actually providing the child's care. Planning may need to occur with the child's biological family and state agencies to ensure that the child's unearned income is transferred to the new caretakers.

If the child is placed in foster care and Iowa is making the maintenance payments, the unearned income will likely remain assigned to Iowa, since Iowa is funding the child's care. However, these sources of income may be available to relatives who are caring for children. Take steps for payments to be assigned to them through the applicable agencies.

Medical Services

The sending state has the responsibility for preparing a plan for the child's medical care, including routine doctor appointments, any ongoing medical concerns, hospitalization, prescriptions, and dental care. This plan may involve the receiving state arranging for Medicaid coverage based on the provisions of the federal COBRA legislation if the child is IV-E-eligible.

Consider the following medical funding sources:

- ◆ The relative's private insurance or private payment.
- ◆ Medicaid (Title XIX) from the receiving state for:
 - A IV-E-eligible child,
 - A disabled child on SSI, or
 - A child receiving adoption subsidy who is moving to a state that has a reciprocal agreement with Iowa for medical coverage.
- ◆ Medicaid (Title XIX) from the sending state for a non-IV-E-eligible child who is placed in foster care.
- ◆ For pre-adoptive placement, special services subsidy to cover non-Medicaid-funded medical expenses. (See Adoption Procedures: Special Services Subsidy.)
- ◆ For a child in DHS custody or guardianship and in foster care, payment of expenses for medical services not covered by Medicaid using foster care funds, via:
 - Special issuance through FACS. The payment is made to the placement provider who, in turn, reimburses the medical provider.
 - Submission of a claim on a General Accounting Expenditure, GAX. The payment is made directly to the medical provider. (See Out-of-Home Placement Procedures: Services Not Covered by Medicaid.)

Service Costs

Children placed through ICPC may require a wide range of services. The sending state is responsible for developing a financial plan and for the cost of any treatment services that exceed the basic supervision of the case. You must develop plans for funding any additional services before the placement. The compact administrator in the receiving state may deny the placement if the sending state will not be providing needed services.

1. Identify the child and family's need for services. **Note:** Avoid references to program definitions, since these are not meaningful across state lines. For instance, "family-centered services skill development service" will not mean very much to someone in another state.
2. Once you have identified what specific assistance the child and placement need, communicate these to your peers in the other state and begin exploring possible funding options with the proposed placement and local staff in the other state.

Developing funding streams and payment mechanisms can be extremely difficult across state lines. It may be necessary to have direct contact with the potential placement or public agency to determine available. You may need to consult with your supervisor on available options in certain cases.

Note: The service plan may be altered during the course of the placement, allowing for the addition or elimination of certain services.

3. Give first consideration to payment sources that do not involve direct funding by Iowa. Consider the possible funding alternatives and incorporate the most viable options into the "financial plan:"
 - ◆ The service is billable to the child's Medicaid or private insurance. (If the child is not IV-E-eligible and has only Medicaid coverage from the sending state, the medical vendor must be willing to become a Medicaid vendor for that state.)
 - ◆ The service provider is certified as an Iowa service provider or maintains a current purchase of service contract.
 - ◆ The service is court-ordered and you can fund it through Iowa's "court-ordered services" administered by juvenile court services. Follow local procedures for application.

- ◆ Decategorization funds. (Local availability and application process apply.)
- ◆ Special services subsidy if the child is in a pre-adoptive placement. Since these services are paid directly to the pre-adoptive parent, a purchase of service contract does not need to be in place. If the services are anticipated to exceed \$500 per year, prior authorization by the state program manager for adoption is required.
- ◆ When the child is in foster care or in DHS custody or guardianship, expenses for medical services not covered by Medicaid may be paid either by:
 - Special issuance through FACS. The payment will be made to the placement provider who in turn, would reimburse the medical provider. This could include outpatient mental health services.
 - Using the [General Accounting Expenditure, GAX](#), making payment directly to the medical provider. (See Out of Home Placement Procedures: [Services Not Covered by Medicaid](#).) This could include outpatient mental health services.
- ◆ When the child is in the custody or guardianship of anyone other than DHS, an agreement may be negotiated with an agency in the receiving state to provide services to the child.
 - The local office initiates the negotiation by contacting the area service administrator, who will contact the program manager in central office.
 - The agreement should be signed by the agency and the service area manager and should include:
 - A description of the services to be provided
 - The number of units or amount of service
 - Rates
 - Reports expected
 - Length of time (not to exceed six months)
 - Supply the agency with some GAX forms. The agency should submit one form on a monthly basis to the Iowa worker along with a bill. The service area manager must sign the voucher.
 - Submit the GAX, the bill, and a copy of the agreement to the program manager in central office who is responsible for the service rendered. The program manager completes the remaining codes on the GAX to assure the expenses come from the correct service area's budgets.

- ◆ Private payment by family. Explore agencies near the proposed placement that may offer sliding fee scales or grant-funded programs.
- ◆ If the child's unearned income exceeds the child's maintenance expenses, the child's accumulated escrow funds may be used. See Administration of Escrow Funds for procedures on obtaining access to these funds.
- ◆ Children placed out of state who continue to have Iowa Medicaid coverage and are enrolled in the Iowa Plan are eligible for mental health and substance abuse funding through the Iowa Plan. Contact the Iowa Plan administrator, Magellan Behavioral Care of Iowa, for assistance in locating and paying a provider.
- ◆ The sending state may request the receiving state agency to provide services to the child and family or placement based on the family's eligibility for any such services in the receiving state.

Educational Costs

If the receiving state imposes educational costs for the child, the ICPC places responsibility for paying such costs on the sending state as part of the "support and maintenance" requirements.

When considering the placement of school-aged children across state lines, review applicable laws in the sending state and the receiving state relating to educational costs. Educational costs may be handled by different methods in different states, based upon whether the child has "special educational needs." The child's new school district in the receiving state may:

- ◆ Accept the child for either regular classroom or special education classroom in the same manner as any other child is accepted for enrollment. (No educational costs would be incurred by the child's caretaker in the receiving state or by the former school district in the sending state.)
- ◆ Expect the child's former school district or the public agency in the sending state to pay out-of-state tuition for regular classroom educational costs. (This decision may be based on the issue that the child is not a resident of the new school district because a court in the sending state has continuing court jurisdiction over the child.)
- ◆ Require payment for special educational needs of the child from the legal custodian or guardian of the child.

Payment for educational costs for a child may include using court-ordered services funds, decategorization funds, or county funds if other sources are not available.

If a child is in special education, seek approval from the area education agency before placement. It may be appropriate to request a special education staffing to determine if the child meets criteria for special education before placement.

Placement of Out-of-State Children in Iowa

Note: When another state requests to place a child in Iowa, the same requirements apply as those outlined for children placed from Iowa. All requests to Iowa by any person, public or private agency, or court that are preliminary to possible placement in Iowa must be sent to the Iowa Interstate Compact Unit.

1. When the Iowa Interstate Compact Unit receives the request, it reviews the request for completeness and content.
 - ◆ When there is insufficient information, the Iowa Interstate Compact Unit will contact the sending state to obtain further information.
 - ◆ After review of the referral packet, the Iowa Interstate Compact Unit sends the request to the designated DHS staff for that service area.
2. Respond to the Iowa Interstate Compact Unit by the due date indicated on the transmittal form. Eight weeks or 60 working days is the maximum recommended processing time from the date the receiving state's interstate compact unit receives the notice of the proposed placement until the date that the placement is approved or denied.
 - ◆ If for some reason the response date cannot be met, notify the Interstate Compact Unit in writing when a report can be anticipated.
 - ◆ At times, referrals may take longer to process because of other work demands placed upon the local agency in the receiving state or upon the compact office. Whenever emergencies arise, however, compact administrators will give special consideration to requests and respond by the fastest means of communication.

Evaluation of Placement

1. When the request is for a home study of a parent or relative, conduct a complete home study of that home. The home study may be purchased from an authorized provider or completed by Department staff. Under federal law, the home study must be completed in 60 calendar days.

Ensure that the evaluation of the placement is thorough. Use the same criteria as for any Iowa child. The evaluation should include:

- ◆ A clear description of special needs of the child and how the placement will address those needs of the child.
 - ◆ An assessment of any circumstances that need to be considered in placing the child, such as educational, medical, psychiatric or therapy needs, and the best interests of the child.
2. To document the evaluation of the placement, prepare a home study to be sent via the Iowa Interstate Compact Unit to the sending state. The home study must include a specific recommendation regarding approval or disapproval of the placement with specific reasons.

Attach to the home study any documentation that supports the evaluation of the placement. This documentation should at least include the following:

- ◆ Identifying data
- ◆ Summary of agency contacts
- ◆ Physical and personality description
- ◆ Marital history and quality
- ◆ Health
- ◆ Children in the home
- ◆ Attitude toward permanency goal
- ◆ Housing and financial situation
- ◆ Attitude to agency supervision
- ◆ References
- ◆ Employment history and verification
- ◆ Criminal and child abuse checks
- ◆ Summary and recommendation

- Note:** When a foster or adoptive home study is requested, determine if a home study has already been completed. If so, you can update the existing home study used in licensing or approving the home to address the specific placement of the child from the sending state into that home.
3. Send the home study in triplicate to the Interstate Compact Unit, along with documentation of the home's licensure or approval for adoption, if applicable.
 - ◆ The Interstate Compact Unit will review the home study and send it along with the [ICPC 100A](#) indicating approval or disapproval of the placement to the sending state.
 - ◆ A copy of the ICPC 100A and the transmittal letter are sent to the Iowa worker who did the home study.

Responding to a Priority Placement Request

1. When the Iowa Interstate Compact Unit receives a priority placement request from another state, the compact administrator will notify the service supervisor by phone and by electronic mail.
2. The Iowa Interstate Compact Unit will send the referral to the supervisor by overnight mail, for assignment to a worker. If the compact administrator determines that further information from the sending agency is necessary, the Iowa Interstate Compact Unit will notify the sending compact administrator of the specific information needed.
3. You have 20 business days from the receipt of the priority placement request to determine whether the requested priority placement may or may not be made. This 20-day period begins when the Iowa Interstate Compact Unit receives the information requested.
4. If you find that extraordinary circumstances make it impossible to comply with the time requirements for the home study, notify the compact administrator immediately. The compact administrator must notify the sending state of Iowa's inability to comply. The notice shall:
 - ◆ Set forth the date on or before which you will complete the action.
 - ◆ Contain a full identification and explanation of the extraordinary circumstances that are delaying compliance.

5. Complete form [ICPC 102](#), *Receiving State's Priority Home Study*, and the [ICPC 100A](#) and submit them to the supervisor for review. The supervisor shall forward the material to the Iowa Interstate Compact Unit by overnight mail.
6. The Iowa compact administrator shall fax the completed ICPC 100A to the sending state's compact administrator. The sending administrator is responsible for notifying the court in the sending state.

Placement of a Child into Iowa

1. The sending state shall notify the Iowa Interstate Compact Unit of the date placement is to take place via the [ICPC 100B](#) and other supporting documentation and forward a copy to the local worker. Additionally, the sending state worker may contact you directly as to the date placement is made.
2. If there are problems with placement arrangements, notify the Interstate Compact Unit.

Placement With a Parent or Relative

Note: When the placement involves a parent or relative, the permanency planning and best interests of the child need to be maintained.

Current federal law provides that the state shall consider giving preference to an adult relative over a non-related caregiver when determining placement for a child, provided that the relative caregiver meets all relevant state child protection standards. However, approval of the placement is still connected to the safety and best interests of the child.

1. Before approving placement with a family member or relative, determine the educational, medical, and financial needs of the child. Arrangements to meet these needs are the responsibility of the sending state. Communication between workers is encouraged in order to meet the child's needs.
2. Explore these aspects of the child's care during the home study process. Advise the relative to apply for FIP and Medicaid benefits at the DHS office in the county in which the relative resides.

Placement in Foster Family Home

Placements of children for foster care in Iowa will not be approved until:

1. The family has a current Iowa foster home license (full or provisional).

Note: If a family with a current foster family license from another state is moving to Iowa with a foster child, Iowa will give approval on the condition that the family receives an Iowa foster family license within 90 days of arrival. If this condition is not met, the child will be returned to the sending state. The family must apply for the license within 30 days of arrival in Iowa.

2. The sending state agrees to pay the foster family maintenance and all medical and special needs costs that are indicated while the child is placed in Iowa.

The sending state determines the IV-E eligibility of the child and issues the medical card to the foster family until coverage has been approved in Iowa.

- ◆ If the child is IV-E-eligible, the foster family shall apply for Medicaid benefits at the local DHS office. Upon eligibility determination in Iowa, an Iowa Medicaid card will be issued to the foster parents.
- ◆ If the child is not eligible for IV-E Medicaid benefits, the sending state will continue to issue the Medicaid card. The sending state and or foster family will need to locate medical vendors in Iowa who will accept the sending state's Medicaid. This may require some assistance from the supervising worker in Iowa.

Placement in an Adoptive Home

Note: The Adoption and Safe Families Act (PL 105-89) encourages states to make adoptive placements across jurisdictional lines. The Adoption 2002 federal initiative encourages states to increase adoptive placements.

Requests for placement of a child in Iowa for the purposes of adoptive placement will not be approved until:

1. The family has been approved for adoption by an Iowa agency, a certified adoption investigator, or the Department.

2. There is a current study (including current update if applicable) made available to the Interstate Compact Unit.
3. The child has been reviewed by the designated Iowa agency that has agreed to supervise the placement, it has been determined that the child is suitable for the family, and the family has agreed to accept the child.
4. The child is legally free for adoption according to the laws of the sending state, as verified by the termination of parental rights order.

The finalization of the adoption can occur in either state, and meet the laws of that state. (These arrangements shall be indicated on the [ICPC 100A](#).)

The person or agency in the sending state that is indicated on the ICPC 100A assumes financial responsibility and planning for the child until the adoption is finalized, according to the statutes of the sending state. The sending state also assumes responsibility for any subsidy after finalization.

Postplacement Activities

Once a child from out of state is placed in Iowa, Iowa is expected to supervise the placement and provide reports as requested on the [ICPC 100A](#). The other state shall retain jurisdiction over the child until Iowa recommends termination of that state's jurisdiction.

The sending state retains responsibility for the child's custody, supervision, care, treatment, and permanency planning until:

- ◆ The child reaches the age of majority in that state, or
- ◆ The child is adopted, or
- ◆ Iowa agrees to let the sending state dismiss their juvenile court action.

Supervision and Reports

If Iowa has approved the placement, Iowa is responsible for providing basic supervision of the child and progress reports back to the other state according to the frequency noted on the original [ICPC 100A](#).

Iowa is to provide this basic supervision at no cost to the other state because this is the obligation assumed through the basic ICPC agreement. This supervision can either be provided directly by a DHS worker or purchased from a provider agency. Purchasing options include supervision components through family-centered services or family foster care.

1. Prepare progress reports to the other state in memo format and submit them in triplicate to the Iowa Interstate Compact Unit, which will forward them to the sending state.
 - ◆ Be sure a cover memo identifies the child who is the subject of the report, to ensure the proper routing of the information to the other state.
 - ◆ The provider's progress reports to DHS may be submitted as the required supervisory reports. It is recommended that you address in the cover memo our agreement with the private agency's information and identify the DHS worker who may be contacted if further service arrangements need to be made.
2. You may have ongoing phone contact with your peer in the sending state to discuss placement issues and any service needs. If the placement appears to be in jeopardy:
 - ◆ Communicate the concerns to the worker in the sending state.
 - ◆ Follow up the call with written documentation to the Interstate Compact Unit.
 - ◆ Anytime there is a change in address for a placement or change in placement, send an [ICPC 100B](#) to the Iowa Interstate Compact Unit.

Note: When children from another state are placed in an Iowa group care facility or PMIC, DHS staff are generally, not assigned to supervise the placement. The Iowa Interstate Compact Unit maintains a file and will notify local staff when supervision or other assistance is needed.

Services to the Child

The sending state is generally responsible for any maintenance costs and for costs associated with the child's treatment. When Iowa gives approval for a placement, Iowa is also approving the proposed financial plan for payment of treatment services.

The referral may request Iowa's funding of certain treatment services. If Iowa is agreeing to pay for treatment services, address this in your home study report back to the requesting state.

Iowa will maintain case management responsibilities, which may include responding to the need for additional services. Any agreements regarding funding for these services should be in writing and be sent to the other state through the Interstate Compact Unit.

If there are disputes or problems concerning payment, discuss these with your supervisor. If the two supervisors cannot reach resolution, the matter should be referred to the interstate compact administrator.

Changes in Child's Placement

1. If the child changes county of residence, report the change to the Interstate Compact Unit using form [ICPC 100B](#). Use the case transfer protocols to accomplish transfer of the case in Iowa.
2. If the child's placement moves to another state, notify the worker in the sending state of the pending move. It is the sending state's responsibility to send a new referral to the state to which the child and family moves, using form [ICPC 100A](#).

Note: When the child returns to the sending state, the sending state must send form ICPC 100B to the Iowa Interstate Compact Unit.

3. If the finalization of adoption happens in Iowa, notify the Interstate Compact Unit using form ICPC 100B.
4. If you determine that the sending state no longer needs to retain jurisdiction, you can send a memo (in triplicate) to the Iowa Interstate Compact Unit recommending the termination of the court action in the sending state. After the sending state court dismisses the action, the sending state sends form ICPC 100B to close the case.

Disruption

1. If problems arise regarding the placement of the child, communicate with the worker in the sending state.
 - ◆ If your efforts to stabilize the placement are not successful and an alternative placement or more services are needed, communicate this to the sending state in order to discuss options, financial arrangements and obtain court orders.
 - ◆ Document these plans and send them to the Interstate Compact Unit.
2. If a placement is unsuccessful, phone your peer in the sending state to discuss arrangements.
 - ◆ Follow up with a memo (in triplicate) to the Iowa Interstate Compact Unit.
 - ◆ If immediate return to the sending state is not warranted and but another placement is needed, obtain approval from the sending state for that placement.
3. If the placement completely fails and the child needs to be returned to the sending state, contact the worker to arrange for the child's return.
 - ◆ It is the sending state's responsibility to pay expenses and make travel arrangements.
 - ◆ Report the placement change to the Iowa Interstate Compact Unit using [ICPC 100B](#).

Topic 6: Counting 15 of 22 Months

When a child has been in foster care under the responsibility of the state for 15 of the most recent 22 months, the Department shall initiate the process to file a petition to terminate parental rights. The petition must be filed by the end of the child's fifteenth month in foster care.

To meet this deadline, permanency planning is required at 12 months. If a child is in foster care for 15 months continuously or for 15 of the last 22 months, follow local protocols for initiating a petition to terminate parental rights unless:

- ◆ The child is placed with a relative, or
- ◆ There is a [compelling reason](#) that it is not in the best interest of the child, or
- ◆ The Department has not provided services identified in the case plan necessary for the safe return of the child, and the court grants a limited extension.

It is important that permanency planning occur early in all foster care cases. Nothing prevents earlier petitions to terminate parental rights.

To calculate "15 of 22 months," begin counting from the date the child was actually removed from the home. Use a cumulative method of calculation when a child goes in and out of foster care during the 22-month period.

Do not include trial home visits or runaway episodes in calculating 15 months in foster care. For example, if the child is in foster care for 10 months, then goes home for a trial home visit, the deadline for filing a termination is five months after the child returns to foster care.

Topic 7: Compelling Reasons

The term “compelling reasons” is used in two different provisions in ASFA:

- ◆ The Department may determine it has a compelling reason not to file a termination petition when the child has been in care for 15 of the last 22 months.
- ◆ The court may determine at a permanency hearing that there is a compelling reason that reunification, adoption, guardianship, and relative placement are not in the child’s best interests. If the court makes such a finding, it may order another planned permanent living arrangement for the child.

“Compelling reasons” not to provide a child with the highest level of permanency available must be convincing and forceful. A compelling reason must be supported with very strong, case-specific facts and evidence which includes justification for the decisions and reasons why all other more permanent options for a child are not reasonable, appropriate or possible.

The social work case manager and the family team determine compelling reasons after consultation with the guardian ad litem. If the guardian ad litem supports the plan, the reasons must be reviewed and approved in a permanency staffing. You must document the compelling reasons and the date of the staffing in the case permanency plan.

“Compelling reasons” not to file a termination petition must be considered on a case-by-case basis in relation to the individual circumstances of the child and family. The state may not identify a specific category of children who are excluded from one or more permanency options. For example, the Department cannot categorically exclude delinquents from being considered for adoption.

Topic 8: Time Lines for Permanency Case Actions

Iowa Law requires that permanency be achieved in six months for children ages three or under and within 12 months for children ages four or older. Time lines are measured by the distance between these two dates:

- ◆ **“Entry into foster care”** is defined as the date of a child’s removal from the child’s normal place of residence and placement in a substitute care setting under the care and placement responsibility of the Department. A child is considered to have entered foster care if the child has been in substitute care for 24 hours or more.
- ◆ **“Discharge from foster care”** is defined as the point when the child is no longer in foster care under the care and placement responsibility or supervision of the agency. If a child returns home on a trial home visit and the agency retains responsibility or supervision of the child, the child is not considered discharged from foster care unless:
 - The trial home visit is longer than six months, and
 - There is no court order extending the trial home visit beyond six months.

Permanency time lines are established by judicial review. Document permanency planning in case permanency plans or by obtaining a copy of the court order. Follow these time lines (based on [ASFA](#)) for children in foster care who are not likely to be reunified with their family.

Reunification

Concerted efforts must be made to reunify the child safely with the parents or primary caregiver. Reunification must occur at the earliest possible time or within **12 months** of the child entering foster care.

A goal of “reunification” is defined as a plan for the child to be discharged from foster care to his or her parents or primary caretaker. Justification for the delay in permanency beyond 12 months must be documented in the case plan. Examples:

- | |
|--|
| <ol style="list-style-type: none">1. The permanency goal of reunification has been in place for longer than 12 months, but there is a concurrent goal of adoption and the agency and court also are working toward the goal of adoption. |
|--|

2. The permanency goal of reunification has been in place for longer than 12 months, but the child was physically returned to the parents during or before the 12th month and remained at home on a trial home visit beyond the 12th month.

Note: The length of time that the child spent in out-of-home care and on the trial home visit must be reasonable given the child and family circumstances.

Permanent Placement With a Guardian or Relative

If reunification is not appropriate, concerted efforts must be made to permanently place the child with a guardian or relative at the earliest possible time or within **12 months** of the child entering foster care.

A goal of "guardianship" is defined as a plan for the child to be discharged from foster care to a legally established custody arrangement that is intended to be permanent.

A goal of "permanent placement with relatives" is defined as a plan for the child to be discharged from foster care to the permanent care of a relative other than the one from whose home the child was removed.

Adoption

ASFA requires an agency to seek termination of parental rights and adoption when:

- ◆ A court of competent jurisdiction has determined that the child is an abandoned child, or
- ◆ The child's parents have been convicted of one of the felonies designated in Section 475(5)(E) of the Social Security Act, including:
 - Committed murder of another child of the parent;
 - Committed voluntary manslaughter of another child of the parent;
 - Aided or abetted, attempted, conspired, or solicited to commit such a murder or a voluntary manslaughter; or
 - Committed a felony assault that resulted in serious bodily injury to the child or another child of the parent.
- ◆ A child has been in foster care for 15 of 22 months.

Concerted efforts must be made to achieve the goal of adoption at the earliest possible time or within **24 months** of the child's entry into foster care. In order to meet this time limit, concurrent planning is necessary in most cases.

If particular circumstances warrant a delay in adoption of the child, document the circumstances in the case plan. These circumstances must be beyond the control of the agency or the courts. Examples:

1. There is evidence that the agency has made concerted efforts to find an adoptive home for a child with special needs, but the appropriate family has not yet been found.
2. A pre-adoptive placement has disrupted despite concerted efforts on the part of the agency to support it.

Another Planned Permanent Living Arrangement

"Another planned permanent living arrangement" (APPLA) means that the child, even though remaining in foster care, is in a "permanent" living arrangement with a foster parent or relative caregiver and that there is a commitment on the part of all parties involved that the child remain in that placement until the child reaches the age of majority.

The APPLA goal refers to a situation in which the Department maintains care and placement responsibilities for and supervision of the child, and places the child in a setting in which the child is expected to remain until adulthood, such as with:

- ◆ Foster parents who have made a commitment to care for the child permanently,
- ◆ Relative caregivers who have made a commitment to care for the child permanently, or
- ◆ A long-term care facility (for example, for a child with developmental disabilities who requires long-term residential care services).

Document efforts to ensure that a child who does not have a goal of adoption, reunification or guardianship has long-term stability until the child reaches adulthood.

Formal steps must be completed to make this arrangement permanent. A formal agreement would include a signed agreement or a court order that are part of the case file. Examples of "permanent" living arrangements include situations where:

- ◆ Foster parents have made a formal commitment to care for the child until adulthood.
- ◆ The child is with relatives who plan to care for the child until adulthood.
- ◆ The child is in a long-term care facility to meet special needs and will be transferred to an adult facility at the appropriate time.
- ◆ The child is an older adolescent in a stable group home and both the group home directors and the child have agreed that it will be the child's placement until adulthood.
- ◆ The child is in agency-supervised transitional living.

Independent Living Services

Independent living services should be provided to all youth age 16 and older. A child with a goal of APPLA must be adequately prepared to make the transition from foster care to independent living if it is expected that the child will remain in foster care until the child reaches the age of majority.

This goal may be applicable when a child is expected to remain in one of the following placements until reaching the age of majority:

- ◆ The existing foster care placement.
- ◆ Long-term foster care placement with a non-relative foster parent.
- ◆ Long-term foster care placement with a specified relative.
- ◆ Placement in a long-term care facility until transition to an adult care facility.

Usually when this type of goal is specified, the child is age 16 or older, but that is not always the case. DHS must assess all youth age 16 and older.

Topic 9: Indian Child Welfare Acts

Link to [Case Planning Procedure](#)

Link to [Out-of-Home Placement Procedure](#)

Link to [Definitions](#)

The Indian Child Welfare Act of 1978 (ICWA) establishes federal standards for the placement of Indian children in foster or adoptive homes, to prevent the breakup of Indian families and for other purposes. This Act:

- ◆ Establishes minimum federal standards for the removal of Indian children from their families and the placement of Indian children in foster or adoptive homes that will reflect the unique values of Indian culture; and
- ◆ Provides for assistance to Indian tribes in the operation of child and family service programs.

This Act authorizes the Bureau of Indian Affairs in the U.S. Department of the Interior to make grants to Indian tribes and organization for the establishment and operation of Indian child and family service programs on or near reservations. The objective of these programs shall be to prevent the breakup of Indian families and to ensure that permanent removal of an Indian child from the custody of his parents or guardian or custodian shall be a last resort.

Such family and child service programs may include:

- ◆ A system for licensing or otherwise regulating Indian foster and adoptive homes.
- ◆ The operation and maintenance of facilities that provide:
 - Counseling and treatment of Indian families,
 - Temporary care for Indian children, and
 - Family assistance of homemaker and home counselors, day care, after school care, employment, recreation activities, respite care, home improvement programs, etc.

In 2003, the Iowa legislature enacted Iowa Code Chapter 232B, titled the "Iowa Indian Child Welfare Act" (Iowa ICWA). The Iowa legislation is designed to complement the federal statute and to confirm Iowa's commitment to protect the rights of Native American children and families who are involved with the child welfare system.

These acts do not generally apply to Native American children who are involved with the juvenile court system because of delinquent acts when the child's offense would be considered a crime if committed by an adult. However, ICWA does apply to a "status offense" that would not be a crime if committed by an adult and for termination of parental rights proceedings.

The protections for Native American children provided in the Iowa ICWA apply to both the voluntary or involuntary placement of Native American children in foster care, pre-adoptive or adoptive settings, and to termination of parental rights proceedings involving Native American children.

The language of both federal and state statutes places high priority on early involvement of tribal representatives, as well as other persons with specific knowledge of Native American culture and child-rearing practices, in child welfare case assessment and case planning for Native American children.

Note: Both the federal and state ICWA statutes state that if another federal or state law applicable to a child custody proceeding provides a higher standard of protection to the rights of the parent or Indian custodian of an Indian child than the rights provided under the ICWA statutes, the court shall apply the higher standard.

Case Planning Requirements

Under both federal and state statutes, there is a requirement that before pursuing out-of-home placement, the state:

- ◆ Make "active efforts" to provide remedial services and rehabilitative programs designed to prevent the breakup of Native American families, and
- ◆ Document that these efforts were unsuccessful.

The Iowa statute describes active efforts as a "vigorous and concerted level of casework beyond the level that typically constitutes reasonable efforts as defined in [Iowa Code] sections 232.57 and 232.102."

Federal and state ICWA statutes require that preference be given to placing Native American children with relatives and extended family members, as defined by tribal customs and practices, rather than in non-related foster care settings. State child welfare agencies are required to maintain documentation of efforts to identify relatives and explore placement in these settings.

Both federal and state ICWA statutes speak to the vital importance for state child welfare agencies to recognize and preserve cultural connections for Native American children, especially for children placed in non-Native American settings.

Placement preference requirements are the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or maintains cultural ties. In the absence of such law or custom, the extended family shall include a person who:

- ◆ Has reached the age of 18; and
- ◆ Is the child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent.

Requirements for Emergency Removals

Note: For children who are residents of a reservation and are residing on a reservation, the state may not intervene because of the tribal court's jurisdiction.

When an Indian child is living temporarily off the reservation, the law allows the state to remove to place the child in emergency foster care. However, such placement must end when it is no longer needed as a preventative measure.

Remove an Indian child from the parental home and place the child in an emergency foster home when the child is in imminent danger or physical danger or harm. If the child must be removed from the child's family, ensure that emergency removal or placement terminates immediately when placement is no longer necessary to prevent harm or injury to the child. If necessary:

- ◆ Initiate a state child custody proceeding subject to ICWA requirements,
- ◆ Transfer jurisdiction over the child to the appropriate tribal court, or
- ◆ Return the child to the child's parent or custodian.

Within three business days following issuance of an emergency removal order on an Indian child, the court issuing the order is required to notify the child's tribe of the emergency removal by registered mail, return receipt requested.

The notice is required to include specific information listed in the statute. Primary requirements center on the names and tribal affiliations of the child and parents, copies of any affidavits, petitions, or orders leading to the removal, and, when available, any reports or other documents from public or private agencies filed with the court and used by the judge in making the removal decision.

ICWA does not address the right of the Department or court to make emergency removal and placement of an Indian child living off the reservation. However, the Act was not intended to not provide protection for these children.

Therefore, the Department worker and court must proceed in providing any Indian child with the same protection and services that is afforded any resident of the state in an emergency.

Placement of an Indian Child

1. When any Native American child is accepted for foster care or pre-adoptive placement, consult with tribes at the earliest opportunity to identify extended family and possible tribal foster care resources. If you do not know the contact person for the tribe, obtain this information from the Division of Child and Family Services.
2. Ensure that the placement is:
 - ◆ In the least restrictive setting which most approximates a family and in which the child's special needs, if any, may be met; and
 - ◆ Within reasonable proximity to the child's home, taking into account any special needs the child has.
3. In the absence of good cause to the contrary, give preference to a placement with:
 - ◆ A member of the child's extended family, or
 - ◆ A foster home licensed, approved or specified by the child's tribe, or
 - ◆ An Indian foster home licensed or approved by the Department, or
 - ◆ An institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the child's needs.
4. Determine if the child's tribe has established a different order of placement preference. (See [Iowa Placement Preference Hierarchy](#) and [Sac and Fox Tribe Placement Preference Hierarchy](#).) If so, the court and the Department shall follow that order so long as the placement is the least restrictive setting appropriate to the particular needs of the child.

5. Consider the placement preference views of the child and parents. Where appropriate, the preference of the Indian child or parent shall be considered. If the consenting parent evidences a desire for anonymity, the court or agency shall give way to such desire in applying the preference.
6. Make a diligent effort to secure placement for the child according to the established order of preference. This effort shall include:
 - ◆ Discussion with the child and the child's parents or custodian regarding preference of placement.
 - ◆ Contact with the designated person from the child's tribe and discussion regarding available placements.
 - ◆ Use of expert witness testimony to help determine the placement that will be most beneficial for the child.
7. A decision to deviate from the placement preferences set out above must take into consideration:
 - ◆ The request of the biological parents or of the child when the child is of sufficient age.
 - ◆ The special needs of the child, including education, emotional, cultural, physical, and medical needs.
 - ◆ The availability of suitable families for placement after a diligent search has been completed.
8. Maintain a record *C. Child Placement Plan* of all efforts to comply with the established order of preference as well as a record of all resulting placements.
 - ◆ Document your efforts to place the child within the Tribally recognized placement preference order.
 - ◆ Explain and document any reasons why the child, because of specialized needs or other considerations, cannot be placed in accordance with the preferred placement order.

Iowa Placement Preference Hierarchy

The Iowa ICWA provides a preferred placement preference order for various types of out-of-home placements, as follows:

1. For the **emergency removal, foster care, or preadoptive placement** of an Indian child, ensure that the placement is in the least restrictive setting which:

- ◆ Most approximates a family situation.
- ◆ Can meet the child's special needs, if any.
- ◆ Is within reasonable proximity to the child's home, taking into account any special needs of the child.

Note: The placement preference order also applies to emergency removals. To meet the expectation of exploring family members and foster homes licensed or approved by tribes, ongoing state agency/tribal partnerships are needed to identify available emergency foster home resources, and prompt communication with tribes to explore relative placements is necessary.

2. In any **foster care or preadoptive placement**, give preference to the child's placement with one of the following in descending priority order:

- ◆ A member of the child's family, as defined by tribal custom and regulations.
- ◆ A foster home licensed, approved or specified by the child's tribe.
- ◆ An Indian foster home licensed or approved by an authorized non-Indian licensing authority (i.e., the state child welfare agency).
- ◆ A child foster care agency approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.
- ◆ A non-Indian child foster care agency approved by the child's tribe.
- ◆ A non-Indian family committed to enabling the child to have extended family visitation and participation in the cultural and ceremonial events of the child's tribe.

3. In the **adoptive or other permanent placement** of an Indian child, give preference to placement with one of the following, in descending priority order:
 - ◆ A member of the Indian child's family
 - ◆ Other members of the Indian child's tribe
 - ◆ Another Indian family
 - ◆ A non-Indian family approved by the Indian child's tribe
 - ◆ A non-Indian family that is committed to enabling the child to have extended family visitation and participation in the cultural and ceremonial events of the child's tribe

Note: In making placement decisions and considering the placement preference statutory guidelines, courts can consider the best interests and special needs of the child.

Sac and Fox Tribe Placement Preference Hierarchy

On December 7, 2005, the Sac and Fox Tribe notified the Department that their Tribal Council adopted a Placement Preference Order different than the order contained in the federal and state Indian Child Welfare Act statutes. The Tribal Placement Preference Order is contained in Tribal Code 7-1105[b].

This Placement Preference Order shall apply when the Department obtains custody of a child of the Sac and Fox Tribe for purposes of placing the child in an out-of-home setting, including shelter, emergency, foster care, and adoptive placements.

When taking custody of a Sac and Fox child for placement purposes, the Department shall make every effort to follow the Sac and Fox Tribe's recognized placement preference order. In descending order, the preferred placement setting is as follows:

1. Placement of the child with a member of the child's family.
2. Placement of the child with a member of the child's clan, as determined by the Tribe.
3. Placement of the child with another member of the child's Tribe who has been licensed by the Tribe to provide care for a Tribal child.

4. Placement of the child in an Indian foster home located off the Meskwaki Settlement and licensed or approved by the Tribe.
5. Placement of the child with another Indian family.
6. Placement of the child with a specialized care provider for children approved by the Tribe or operated by an Indian organization which has a program suitable to meet the child's special needs.

The Tribal Code contains the additional guidance that " within each of the above placement preference categories, preference shall be given to placing the child on the Meskwaki Settlement."

The primary differences between the Sac and Fox Tribe's placement preference order and the order in the federal and state statutes are:

- ◆ Tribal preference to maintaining Tribal children on the Meskwaki Settlement;
- ◆ Tribal recognition of and support for placements within the child's "clan" as defined by Tribal customs; and
- ◆ Tribal preference for placements with Indian families before placements in non-Indian settings are considered.

Efforts to Identify and Place Children With Relatives

1. Work with the family, and tribal ICWA specialists, or other representatives to identify potential relatives for placement exploration as early in the case planning process as possible. This exploration should begin as soon as the decision is made that the child will need to be placed outside the child's own home.
2. Provide information on potential relative placement resources to the county attorney, other attorneys involved, and the juvenile judge.
3. Arrange for completion of assessments and home studies through tribal social service agencies or state child welfare programs as quickly as possible to determine if relative placement is a safe and viable option.
4. Document efforts to identify and explore relative placement for Native American children in the out-of-home section of the case plan.

Interstate Transfer of an Indian Child

When working with a child who is involved in an initial [child custody proceeding](#) and the child has tribal heritage with a tribe whose residence is in a state other than Iowa:

- ◆ Send a notice to the parents or custodian, the tribe, and the Bureau of Indian Affairs.
- ◆ Initiate transfer proceedings to the tribe.

Follow Interstate Compact on the Placement of Children (ICPC) procedures only if there is continuing jurisdiction of an Iowa state court. If the child comes under any of the provisions of the Indian Child Welfare Act that do **not** involve continuing jurisdiction of an Iowa court, the ICPC does **not** apply.

Notify the Iowa Interstate Compact Unit in writing when an Indian child is placed in another state, and not under the provisions of the ICPC. Include in this notification:

- ◆ Statistical data on the child.
- ◆ Name and address of the placement and relationship to the child.
- ◆ Documentation that the Indian Child Welfare Act applies.

Note: Children referred to the Iowa Interstate Compact Unit for placement from another state who appear to come under the purview of the Indian Child Welfare Act shall not be approved for placement in Iowa until the sending state can document that the placement is being made in accordance with the mandates of the Act.

If the placing state proceeds with placement without Iowa's approval, the Interstate Compact Unit will refer the case to the Attorney General for legal action.

Voluntary Placements or Release of Custody

Any parent or Indian custodian may voluntarily consent to foster care placement or termination of parental rights. Such consents must be executed in writing and executed before a judge in the appropriate court of jurisdiction. Such consents shall also:

- ◆ Be recorded before a judge of court of competent jurisdiction.
- ◆ Be accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or guardian.
- ◆ Be certified by the court that either the parent or Indian custodian fully understood the explanation in English or that it has been interpreted into a language that the parent or Indian custodian understood.

No such consent given before or within ten days after the child's birth shall be valid. Consent to a voluntary foster care placement can be withdrawn at any time, and the child shall be returned to the parent or Indian custodian.

In voluntary consents for termination of parental rights or in adoptive placements, the parents can withdraw their consent for any reason at any time before the entry of a final decree of termination or adoption, and the child shall be returned to the parent.

After the entry of the final adoption decree for an Indian child, parents can seek to withdraw their consent on the grounds that it was obtained improperly. If the court finds that the consent was obtained through fraud or duress, the court shall vacate the decree and return the child to the parent.

However, an adoption that has been in effect for at least two years shall not be invalidated under ICWA, unless invalidation is permitted under some other state law.

Standards of Evidence in Child Custody Proceedings

Federal and state ICWA statutes establish more stringent standards of evidence for child custody proceedings involving foster care, termination of parental rights, or preadoptive or adoptive placement of Native American children.

The standard of evidence for foster care placements of Native American children is "clear and convincing" evidence that continued custody of the child by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

For termination of parental rights and preadoptive or adoptive proceedings, the evidentiary standard is "beyond a reasonable doubt."

Indian Tribal Proceedings

Indian Child Welfare Act, Section 101D provides that full faith and credit is to be given to the public acts, records and judicial proceedings of any Indian tribe applicable to Indian child custody proceedings to the same extent that Indian tribes give to state court proceedings.

The Department and state courts shall give complete credibility to Indian tribal court actions regarding child custody proceedings.

Court-Appointed Counsel

Indian Child Welfare Act, Section 102B, requires the court to appoint legal counsel if the parents or Indian custodian are unable to afford counsel. The court shall also appoint counsel for the child.

If no funds are available for such through state law, the court shall notify the Bureau of Indian Affairs upon counsel appointment and, upon certification by the presiding judge, the Department shall pay reasonable fees and expenses out of any funds which have been appropriated pursuant to the Act.

Examination of Reports

Indian Child Welfare Act, Section 102C, requires that each party to a foster care placement or termination of parental rights of a child shall have the right to examine all reported documents filed with the court upon which any decision with respect to such action was based.

Confidentiality Preserved

Where the court records contain an affidavit wherein the biological parent or parents request that their identity remain confidential, the court shall include such affidavit with the other information. The confidentiality of such information shall be maintained, and such information shall not be subject to release under the Freedom of Information Act (5 U.S.C. 552) as amended.

Termination of Parental Rights Proceedings

If the Department is seeking to terminate parental rights of an Indian child:

- ◆ Notify the parent, custodian, and tribe by registered mail.
- ◆ Make and document active efforts to provide remedial services and rehabilitative programs.
- ◆ Substantiate action by documenting that beyond a reasonable doubt, the continued custody of the child by the parent or Indian custodian is likely to result in emotional or physical damage to the child.

Adoption Vacated Upon Voluntary Consent of the Adoptive Parents

Whenever a final decree of adoption of an Indian child has been vacated and the adoptive parents have voluntarily consented to termination of their parental rights, consult with the county attorney to ensure that the child is appointed a temporary custodian and guardian pending final court action.

If the Department is given temporary custody or guardianship, act in the best interests of the child and present information to the court regarding these best interests.

If the court finds that the best interests of the child would be served by not returning to the biological parent or former Indian custodian, locate an adoptive placement for the child considering the established order of preference in an adoptive placement of an Indian child.

Child Welfare Records Retention

Maintain the records for Native American children who have been placed in voluntary or involuntary foster care or in preadoptive or adoptive placement in "perpetuity" or forever.

Ensure that these records contain comprehensive information about the child and family, the agency's involvement in the case, case plans and reports showing efforts to rehabilitate and preserve the family, and documentation of efforts to place within the placement preference hierarchy.

Note: The state ICWA adds a requirement that the Department establish an automated database in which a permanent record is maintained of every voluntary or involuntary foster care, preadoptive, or adoptive placement of an Indian child ordered by a court of this state in which the Department was involved.

The automated database is to contain the placement record of each Indian child and the location of the local Department office that maintains the child's original case record and case documents.

These records on specific Indian children must be made available within seven days of a request for the record by the Indian child's tribe or the Bureau of Indian Affairs.

Disclosure of Information From Adoptive Record

An adopted Indian child over the age of 18, the adoptive or foster parents of an Indian child, or an Indian tribe may request information as may be necessary for the enrollment of an Indian child in the Tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership.

The Bureau of Indian Affairs shall disclose such information upon request. If the requested documents contain an affidavit from the biological parent or parents requesting anonymity, the Bureau shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by the tribe.

Request by Adult Adoptee

If an Indian person who was the subject of an adoptive placement is 18 and requests information of the court, the court shall:

- ◆ Inform the person of the tribal affiliation or, if any, the person's biological parents.
- ◆ Provide other information as may be necessary to protect any rights flowing from the person's tribal relationship.

Topic 10: Family-Centered Services

Family-centered supportive services include interventions that are needed to enhance safety, permanency, and well being for the child or children in the family. These services may be provided to a child up to the age of 18.

The service need meets the requirement for supportive services when a child:

- ◆ Has a protective need, preventative need, or a need to be supported to achieve the highest developmental level possible, while at the same time
- ◆ Living in the least restrictive, most homelike environment possible

Components of family-centered supportive services include:

- ◆ Supervision
- ◆ Family team meeting facilitation
- ◆ Relative home studies and home study updates
- ◆ DHS Procurement Card Program

Supervision Services

Supervision services are activities that provide monitoring needed by a child or family member and are undertaken by a DHS case manager in lieu of purchasing family safety, risk, and permanency services.

Supervision activities may include, but are not limited to:

- ◆ Guidance for the family to facilitate improvement in adjustment.
- ◆ Inspection and monitoring of the home environment of a child's parent or other relative to evaluate its safety and suitability.
- ◆ Oversight of family participation in services and adjustment within the community.
- ◆ Behavior monitoring for children, if necessary, to ensure their positive community adjustment.

Supervision services may also be appropriate to provide oversight and monitoring of visits between children and their parents when no other services are being provided during the visits. When children have been placed outside of the family home, it is important to provide parent-child visits early and often to promote reunification whenever possible.

Family Team Meeting Facilitation Services

Family team meeting facilitation services include activities undertaken to conduct a family team meeting. Persons delivering this service must perform the following activities in service delivery:

- ◆ Respond to a Department referral to facilitate a meeting;
- ◆ Work with the family and others to identify meeting attendees and help prepare them for the meeting;
- ◆ Arrange the location for the meeting;
- ◆ Send the meeting invitations;
- ◆ Conduct and facilitate the family team meeting;
- ◆ Record key issues, discussion topics, and decisions reached during the meeting;
- ◆ Prepare and submit electronically to the Department worker, within 7 calendar days of the meeting, post meeting notes, using form 470-4126, *Family Team Meeting Facilitation Notes*, that the Department worker will use in developing the case permanency plan.

DHS Procurement Card Program

The Child Welfare Procurement Card Program is a program through which designated Department staff within participating service areas receive a State of Iowa Procurement Card, which is a corporate VISA charge card issued to a state employee. This card can be used to purchase tangible goods and concrete supports approved for children and families in the child welfare system.

Department staff interested in learning more about operation of the Child Welfare Procurement Card Program may access and review the DHS Procurement Card Handbook at this location: [Hoovr3s1/OFS771/PROCCARD](#). Select the "Procurement Card Handbook" file.

Topic 11: Medicaid Services

Iowa Medicaid pays for the following services as limited by the State Medicaid Plan:

Care in a:

- Hospital
- Nursing facility
- Mental health institute (MHI)
- Intermediate care facility for a person with mental retardation (ICF/MR)
- Psychiatric medical institution for children (PMIC)

Case management (MR/MI/DD)

Drugs

Habilitation services

Medical equipment and supplies

Orthopedic shoes

Remedial services

Transportation to receive medical care

Services provided by an:

- Ambulance service
- Ambulatory surgical center
- Audiologist
- Birth center
- Chiropractor
- Community mental health center
- Dentist
- Advanced registered nurse practitioner
- Federally qualified health center
- Family planning clinic
- Hearing aid dealer
- Home-health agency
- Independent laboratory
- Lead investigation agency
- Maternal health center
- Optician
- Optometrist
- Physical therapist
- Physician
- Podiatrist
- Psychologist
- Rehabilitation agency
- Rural health clinic
- Screening center

Certain services provided by an:

Area education agency

Infant and toddler (Early ACCESS) program

Local education agency

Services provided through a home- and community-based waiver, such as:

Children's mental health waiver:

Environmental modifications and adaptive devices

Family and community support services

In-home family therapy

Respite care

Mental retardation waiver:

Consumer-directed attendant care

Day habilitation

Home and vehicle modification

Home health aid

Interim medical monitoring and treatment

Nursing care

Personal emergency response

Prevocational services

Respite care

Supported community living

Supported employment

Transportation

III and handicapped waiver:

Consumer-directed attendant care

Counseling

Home and vehicle modification

Home-delivered meals

Home health aid

Interim medical monitoring and treatment

Nursing care

Personal emergency response

Respite care

To be covered, the service must be furnished by a provider that has enrolled with the Iowa Medicaid Enterprise. Specific limits and requirements of the Medicaid program for each type of provider are explained in provider manuals, which are included in [8-Appendix](#).

Routine Examinations

Federal law requires states to provide “early and periodic screening, diagnosis, and treatment” services to Medicaid-eligible children (under age 21). Iowa calls the program “Care for Kids” and recommends that children receive health, vision, and hearing screenings at the following ages:

- ◆ 1 month, 2 months, 4 months, and 6 months
- ◆ 9 months, 12 months, 15 months, 18 months, and 24 months
- ◆ 3 years, 4 years, 5 years, and 6 years
- ◆ 8 years, 10 years, 12 years, 14 years, 16 years, 18 years, and 20 years

(**Note:** Foster care physical examinations are required more frequently than EPSDT screenings, except for children under age two.)

Medicaid will pay for follow-up treatment when health needs are identified through screening.

AIDS Screening

Medicaid payment is made for HTLV III/LAV (the virus thought to cause AIDS) screening for children who are at increased risk of infection or who are symptomatic.

“Increased risk of infection” includes circumstances where the mother used IV drugs, the mother had a sex partner who used IV drugs, the mother was a prostitute, or a high-risk person may have sexually abused the child.

Obtain consent of the child’s parent or guardian or a court order before the child is tested for the HTLV III/LAV virus.

Mental Health and Substance Abuse Treatment

Except for services in a PMIC, all mental health and substance abuse treatment services under Iowa Medicaid are furnished through the Iowa Plan for Behavioral Health. To access services, Medicaid members must use a provider who participates in the Iowa Plan. For additional information on managed care options, see [8-M, MANAGED HEALTH CARE](#).

Remedial Services

Remedial services are skill-building interventions that ameliorate behaviors and symptoms associated with a psychological disorder that has been assessed and diagnosed by a licensed practitioner of the healing arts.

Remedial services address mental and functional disabilities that negatively affect a person's integration and stability in the community, quality of life, and reduce or manage the behaviors that interfere with the member's ability to function.

Services must be designed to reduce or eliminate the symptoms or behaviors resulting from the person's psychological disorder that prevent the person from functioning at the person's best possible functional level.

The focus of the intervention is to improve the person's health and well-being using cognitive, behavioral, social or psychophysiological procedures designed to ameliorate specific diagnosis-related problems.

Services must be authorized through the Iowa Plan for Behavioural Health. Covered remedial services for children include.

- ◆ **Crisis intervention**, which consists of unscheduled intensive intervention to children or their caregivers for the purpose of restoring adequate child or family functioning. The services reduce the child's acute emotional or behavioral dysfunction and accompanying physical and social manifestations.
- ◆ **Health and behavior intervention for an individual or a group.** Services focus on the child's emotions, perceptions, and attitudes and are directed at the cognitive and emotional dynamics that influence behavior. Services are designed to assist children in identifying beliefs, emotions, and perceptions and in modifying them, if necessary, in order to improve their functioning and behavior.

- ◆ **Health and behavior intervention for a family.** Services focus on the child's emotions, perceptions, and attitudes and are directed at the cognitive and emotional dynamics that influence behavior. Services are designed to:
 - Assist children in identifying beliefs, emotions, and perceptions and in modifying them, if necessary, in order to improve their functioning and behavior; and
 - Enhance the family's ability to effectively interact with the child and support the child's functioning in the home and community.
- ◆ **Community psychiatric supportive treatment,** which provides intensive interventions to modify psychological, behavioral, emotional, cognitive and social factors affecting the child's functioning for which less intensive remedial services do not meet the child's needs. Services are intended to minimize or eliminate psychological barriers to effectively managing symptoms associated with a psychological disorder in an age appropriate manner.

Supportive treatment services are provided on a daily basis and include both crisis intervention and health and behavior interventions for a child or family.

Intensive services provided must focus on the child's remedial needs and assist the child in skills such as conflict resolution, problem solving, social skills, interpersonal relationship skills, and communication.

Transportation to Receive Medical Care

The Medicaid program pays for transportation of a member to receive necessary medical care when the source of care is outside the community, meaning:

- ◆ The member lives in the country and must go to town for medical care,
- ◆ There is no provider of the necessary services in the community, or
- ◆ A physician has referred the member to a specialist in another community.

To be payable, the source of care must be the nearest provider of the service, and there must be no resource to provide the transportation free of charge. Allowable expenses may include the actual cost of passenger fare or mileage and of necessary meals, parking, child care, and lodging, at the rate granted state employees.

Health Insurance Premium Payment (HIPP) Program

When a child or family is Medicaid-eligible, the Department may pay for private health insurance coverage, which may be provided through an employer-related plan or an individual plan, so that Medicaid becomes the secondary payer of claims.

Staff in the Bureau of Medical Supports determine whether it is more cost-effective for Medicaid to pay for a member to receive private health insurance coverage or for Medicaid to pay for services directly. If the insurance is determined cost-effective, HIPP pays the private insurance premium directly to the employee, the employer, or the health insurance company on behalf of the member.

Home- and Community-Based Services Waivers

Medicaid home- and community-based services (HCBS) waiver programs provide extra services to enable people to live in their own homes or communities instead of in a medical institution. Waiver services are provided only to certain targeted groups for whom a federal waiver of regular Medicaid policy has been approved. There are currently seven federal waivers, targeting:

- ◆ Children who have a serious mental, behavioral or emotional disorder
- ◆ People who have AIDS or have been infected with HIV
- ◆ People who have a brain injury
- ◆ People who are elderly
- ◆ People who are ill or handicapped
- ◆ People with mental retardation
- ◆ People with a physical disability

Eligibility under the waivers is based on:

- ◆ Age, disability, and medical need criteria specific to the particular waiver.
- ◆ Income and resource criteria. The person must be eligible for Medicaid, including eligibility under the 300% coverage group consistent with a level of care in a medical institution.
- ◆ Level of institutional care needed, as determined by the IME Medical Services Unit. Services are available only to people who qualify for the level of care offered in a medical institution (a nursing facility, skilled nursing facility, ICF/MR, or hospital, as specified by each waiver), but choose instead to receive services in the home or community.

- ◆ Need for waiver services. The person must be able to live in a home- or community-based setting where necessary service needs can be met within the scope of the waiver. Waiver services are beyond the scope of services offered under the Medicaid state plan. Services provided under waivers are not available to other Medicaid members.
- ◆ Cost. The cost of the waiver program services may not exceed the established cost limit for the person's level of care.

Each waiver has an allocated number of "slots" that people can access. When all the slots are assigned, applicants' names are maintained on a waiting list until a slot becomes available.

To be eligible for the **children's mental health** (CMH) waiver, a person must:

- ◆ Be 18 years of age or younger.
- ◆ Be diagnosed with a serious emotional disturbance.
- ◆ Meet the level-of-care requirements for hospital care.

To be eligible for the **AIDS/HIV** waiver, a person must:

- ◆ Be diagnosed by a physician as having AIDS or HIV infection. A determination of disability is not required.
- ◆ Meet the level-of-care requirements for nursing facility care or hospital care.

To be eligible for the **brain injury** (BI) waiver, a person must:

- ◆ Have a diagnosis of brain injury.
- ◆ Be between the ages of 1 month and 64 years inclusive.
- ◆ Meet the level-of-care requirements for care in an:
 - Intermediate care facility (ICF) or
 - Skilled nursing facility (SNF) or
 - Intermediate care facility for the mentally retarded (ICF/MR)

To be eligible for the **ill and handicapped** (IH) waiver, a person must:

- ◆ Be under age 65.
- ◆ Be either blind or disabled.
- ◆ Meet the level-of-care requirements for care in an:
 - Intermediate care facility (ICF) or
 - Skilled nursing facility (SNF) or
 - Intermediate care facility for the mentally retarded (ICF/MR)

To be eligible for the **mental retardation** (MR) waiver, a person must:

- ◆ Have a primary disability of mental retardation or a diagnosis of mental disability equivalent to mental retardation as determined by a psychologist or psychiatrist.
- ◆ Meet the level-of-care requirements for care in an intermediate care facility for the mentally retarded (ICF/MR).

To be eligible for the **physical disability** (PD) waiver, a person must:

- ◆ Have a physical disability.
- ◆ Be between the ages of 18 through 64 years.
- ◆ Meet the level-of-care requirements for care in an:
 - Intermediate care facility (ICF) or
 - Skilled nursing facility (SNF)
- ◆ Be ineligible for the HCBS MR waiver.

Topic 12: Memorandum of Understanding With Mexico

On April 20, 2006, a Memorandum of Understanding was executed between the state of Iowa and the United States of Mexico concerning child welfare cases involving Mexican national and multiple nationality minors. (See [text](#) at the end of this topic.) This Memorandum of Understanding describes how the two governments will cooperate to improve services provided to Mexican national minors and multiple-nationality minors taken into state custody.

Note: A child born in the United States whose mother or father is a Mexican citizen has derivative Mexican citizenship and therefore is considered a “multiple nationality minor,” regardless of the immigration status of the parents. For example, a child born in the U.S. to a mother who has Mexican citizenship and a father who has U. S. citizenship is considered a “multiple nationality minor” regardless of whether the mother has entered the U.S. legally.

The Department recognizes that Mexican national minors are essential to the maintenance of Mexican culture, tradition, and values. The Memorandum:

- ◆ Provides for the early identification of Mexican minors taken into state custody.
- ◆ Ensures that the Mexican government, through the Mexican Consulate Office in Omaha, Nebraska, is promptly notified when such children enter state custody. This notification is required under both the Consular Convention Agreement between the United States and Mexico and by the Vienna Convention on Consular Relations.
- ◆ Will improve services and oversight provided for Mexican minors by providing resources, available through the Mexican government, for locating and evaluating relative placement options and providing services for children placed in Mexico.

Legal Basis

The legal foundations of this Memorandum of Understanding are contained in the Consular Convention Agreement between the United States and Mexico and the Vienna Convention on Consular Relations. Both treaties stress that cases of foreign national minors should be treated with care when such children are taken into state custody in another country.

These treaties stress state notification to the Consulate office of the foreign national's home country, so consulate offices can meet their obligation to protect the interests of their nationals living abroad.

Under the Memorandum of Understanding, the Department recognizes it is imperative that the Mexican Consulate Office be notified without delay when a Mexican national or multiple-nationality minor is taken into state custody.

Notification will ensure that provisions of the two treaties are met and allow the Department to access Consulate assistance in exploring Mexican placement options, or helping arrange any necessary monitoring services should children be placed in Mexico.

Mutual Agreement on Confidentiality of Client Data

The Mexican Consulate may desire more information concerning the minor's situation. In these circumstances, the Mexican Consulate may contact the Department's service area manager or the manager's designee to discuss the need for additional verbal or written background information concerning the child. The Consulate has agreed to recognize and respect state and federal confidentiality statutes under which the Department operates.

Right of Mexican Consulate to Request an Interview With Minor

The Mexican Consulate may request interviews with Mexican national or multiple-nationality minors in state custody. To arrange interviews, the Consulate will contact the service area manager supervising the county responsible for the child's case or the manager's designee.

Note: Requests for interviews with minors require prior consent from either the child's parents or the service area manager or designee. Consulate staff are responsible for obtaining these consents. If it is possible to locate the child's parents, it is preferable to request their consent to the interview.

Consulate staff shall present valid identification before being permitted to interview the child. Department staff may attend the interview with the child.

Obtaining Proof of Mexican Nationality (Birth Certificates)

When the Department has taken custody of a child believed to be a Mexican national or multiple-nationality minor, work with the Mexican Consulate Office to obtain a Mexican government birth certificate for the child, if the family does not already have one.

Contact the Consulate Office to request assistance in obtaining necessary documentation from Mexico on the child's birth. In asking for assistance, have available information such as:

- ◆ The child's name and birth date.
- ◆ The presumed location of the child's birth.
- ◆ The parents' names, including the mother's maiden name.
- ◆ Other information that may be relevant.

Requesting Case Assistance From the Mexican Consulate

Witness Testimony

Work with the Mexican Consulate Office to:

- ◆ Provide notification of juvenile court hearings concerning a Mexican national or multiple-nationality minor and
- ◆ Secure the testimony of relevant witnesses who reside in Mexico.

You may contact the Consulate Office to request assistance in notifying people living in Mexico of court hearings involving a child. Provide the Consulate Office with as much information as necessary concerning the names, connection to the case, and whereabouts of people to be notified.

Home Studies

You may request that the Mexican child welfare agency, DIF (Agency for Integral Family Development), be contacted to arrange for completion of home studies on potential placement options with family members who reside in Mexico. Make a written request to the Consulate that:

- ◆ Indicates the names and addresses of the potential placement options in Mexico, and
- ◆ Provides information about their connection to and interest in the child.

You may share information on the child's situation with both the Consulate and DIF in order to get home studies completed. The Mexican Consulate may also initiate a home study request at its own discretion.

DIF will complete the home studies and forward them to the Mexican Consulate Office. That office will forward them directly to the responsible Department worker so this information can be evaluated by juvenile court.

Placement Supervision for Minors Placed in Mexico

When a Mexican national minor or multiple-nationality minor is placed in Mexico through action of an Iowa juvenile court, contact the Mexican Consulate Office if monitoring or services for the child and family are desired. Request involvement of the DIF to offer and provide any necessary services.

If the DIF provides services and prepares monitoring reports on the child, these reports will be sent to the Consulate Office, which will send copies directly to the responsible Department worker.

Note: Iowa juvenile courts do not have the authority to order the return of a child placed in Mexico to the United States. Mexican child welfare authorities may take action to protect the welfare of the child.

Special Immigrant Juvenile Status

"Special immigrant juvenile status" is important for Mexican national children in state custody who cannot be reunited with their families and are working toward a permanency goal of adoption, guardianship or long-term foster care. Achieving special immigrant juvenile status allows such children to remain in the U.S., avoid possible deportation, and work toward obtaining citizenship.

For a child to qualify for special immigrant juvenile status, all of the following conditions must apply:

- ◆ A U.S. juvenile court has declared the child dependent or has placed custody of the child with a state agency.
- ◆ The juvenile court has found that parental reunification is not possible, based on past patterns of abuse, neglect, or abandonment, and the child is "eligible for long-term foster care."
- ◆ The juvenile court has found that it is not in the child's best interests to be returned to the child's home country.

When a Mexican national or multiple-nationality minor becomes eligible for special immigrant juvenile status according to regulations of the U.S. Citizenship and Immigration Services Bureau, the Mexican Consulate will assist the Department in obtaining necessary documentation from Mexico to allow completion of the application for special immigrant juvenile status.

The Department caseworker, the child, an attorney, or another person can complete the application. Obtain the application from the U.S. Citizenship and Immigration Services Bureau. A medical examination, proof of child's age, fingerprints, a photograph, and juvenile court order must accompany the application.

Staff of the Citizenship and Immigration Services Bureau will conduct an interview with the child before deciding on whether to grant special immigrant juvenile status to the child. The process may take several months to complete.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE STATE OF IOWA OF THE UNITED STATES OF AMERICA AND THE MINISTRY OF FOREIGN AFFAIRS OF THE UNITED MEXICAN STATES, REGARDING CONSULAR NOTIFICATION AND ACCESS IN CASES INVOLVING MINORS

The Government of the State of Iowa, through the Department of Human Services, (hereinafter “the Department”) and the Ministry of Foreign Affairs, through the Consulate of Mexico in Omaha (hereinafter the “Consulate”), jointly referred to as “The Parties”, enter into this Memorandum of Understanding to ensure compliance with the Consular Convention Between the United States of America and the United Mexican States, 57 Stat. 800; Treaty Series 985 (hereinafter “Bilateral Convention”), and the Vienna Convention on Consular Relations, 21 U.S.T. 77, T.I.A.S. No 6820 (hereinafter “Vienna Convention”).

These treaties place a special responsibility on the receiving State’s authorities, including the Director of the Department, to treat cases of foreign National Minors with particular care. Both Parties of this Memorandum of Understanding recognize that the notification of Consular authorities is important in these cases, not only because provided for by treaty, but also because consulates provide services that can mutually assist the Parties, as well as the individuals personally affected.

I. PURPOSE

The purpose of this Memorandum of Understanding is to protect the Mexican Minors as a fundamental human element of Mexican communities throughout the United States of America, in particular the State of Iowa. The Department and the Consulate recognize that the Mexican Minor is essential to the maintenance of Mexican culture, traditions and values. Therefore, the Department, in conjunction with the Consulate, will provide a method of early identification of Mexican Minors and their families, in order to provide services, which assure all the protections afforded by the Vienna Convention, the Bilateral Convention and all other applicable treaties and laws.

II. APPLICABLE TREATIES

The Department recognizes that the Government of Mexico has a duty to care for the interests of its nationals abroad, particularly those of minors, as expressed in Article 5, §§ (a) and (h), of the Vienna Conventionⁱ.

The Department recognizes further that it is imperative that the Consulate be notified, without delay,ⁱⁱ of guardianship as expressed by the Vienna Convention, Article 37(b).ⁱⁱⁱ

The Department further recognizes that the Consulate has the right to information and access^{iv} in all cases involving children of Mexican Nationals as expressed in the Article VI of the Bilateral Convention.^v

III. DEFINITIONS

For the purpose of this Memorandum of Understanding:

- a. “Department” means the Department of Human Services of the State of Iowa.
- b. “Mexican National Minor” means any unmarried person who is under the age of eighteen and was born in Mexico.
- c. “Multiple Nationality Minor” means any unmarried person who is under age of eighteen and is a national of two or more countries, one of which is Mexico.

- d. "Custodian" means the non-parental caretaker of a Mexican National Minor, or Multiple Nationality Minor, who has been entrusted by a parent(s) with the day-to-day care of the minor.
- e. "DIF" means the Agency for Integral Family Development. This is the Agency in Mexico charged with ensuring the welfare of minors.

IV. PROVISIONS

With a view to facilitating consular notification and access, as well as the protection of the Mexican family unit, the Parties agree to the following terms:

1. Determination of Mexican Lineage

The Department shall determine at the time a decision to take protective custody is made, if a minor is a Mexican National Minor or Multiple Nationality Minor.

The Department will provide any such Mexican National Minor or a Multiple Nationality Minor, and his or her parents or custodians, with the following information:

- a. Written information in English and Spanish explaining the juvenile court process and the rights of the minor child and his or her parents or custodians.
- b. The address and telephone number of the Mexican Consulate located in Omaha, Nebraska.

2. Notification to the Mexican Consulate

The Department will notify the Consulate in writing of the following information:

- a. When the Department identifies a Mexican National Minor in its custody;
- b. When a parent or custodian of a Mexican National Minor or Multiple Nationality Minor has requested that the Consulate be notified;
- c. When the Department learns that a non-custodial parent(s) of a child in its custody resides in Mexico.

The written notification will be made within ten (10) working days of the initial date of custody with the Department. If the Department learns, at a later time, that the minor is a Mexican National Minor, then the information will be forwarded without delay to the other Party, as determined in this Memorandum of Understanding.

3. Initial information to be provided to the Consulate

For purposes of initial notification, the Department will provide the Consulate with the following information, if available:

- a. The name of the Mexican National Minor or Multiple Nationality Minor;
- b. The date of birth of the minor;
- c. The name of the parent or custodian;
- d. The name and telephone number of the caseworker directly responsible for the case.

4. Confidentiality and Further Information

The Consulate hereby recognizes and agrees to respect the statutory imperatives of confidentiality under Iowa Juvenile Code and other state and federal statutes, under which the Department must operate.

The Department recognizes that the Consulate may need specific information regarding the cases of Mexican National Minors and Multiple Nationality Minors. In order to arrange for further information, the Consulate will contact the Department's service area manager or its designee.

5. Interview of a Mexican National Minor or Multiple Nationalities Minor

A Consular Representative may interview a Mexican National Minor(s) in the custody of the Department. In the case of a Multiple Nationality Minor(s), either the parents or the service area manager or designee must first consent to the interview.

In order to arrange for an interview of a Mexican Nationality Minor or Multiple Nationality Minor, the Consulate shall contact the service area administrator or designee.

6. Special Immigrant Juvenile Status

In cases where a Mexican National Minor or Multiple Nationality Minor has been placed as a ward of the State of Iowa and has become eligible for Special Immigrant Juvenile Status (SIJS), pursuant to INA § 101(a)(27)(J)(ii), 8 U.S.C. § 101 (a)(27)(J)(ii), the Consulate will assist the Department in obtaining the necessary documentation from Mexico for completion of the SIJS application.

7. Proof of Mexican Nationality

The Department shall obtain a Mexican birth certificate for Mexican National Minors in its custody. The Consulate will assist the Department on the process to obtain the necessary documentation from Mexico in order to complement the application.

8. Assistance Provided by DIF

Upon notification to the Consulate of custody of a Mexican National Minor or Multiple Nationality Minor, the Consulate may contact DIF in order to obtain the appropriate home studies of potential families in Mexico who may become involved in cases of minors in the custody of the Department. Upon receipt, the Consulate will immediately forward the information to the Department caseworker directly responsible for the case.

When minors are placed in Mexico, the Consulate will take every step in order to obtain DIF's cooperation to ensure the minor's welfare and provide whatever services are necessary. The Consulate will also obtain copies of the monitoring reports prepared by DIF concerning the minor's welfare.

Once available, the Consulate will immediately forward the information to the Department caseworker directly responsible for the case.

9. Witnesses

The Consulate and the Department shall work together to locate individuals who reside in Mexico and must appear in an Iowa court regarding cases of minors, in order to properly notify such individuals of court appearances.

10. Ongoing Communication

Consular Officers and the Department staff will meet three times a year in order to discuss, clarify, and coordinate activities in areas of mutual interest and concern.

The Consul and the Director of the Department, or their designees, will meet once a year, in order to assess the progress and direction of the mechanism.

Both Parties remain committed to the development and delivery of joint community meeting and other information efforts. Both Parties will participate in joint prevention efforts regarding the protection and well-being of Mexican families and minors. In addition, the Department and the Ministry of Foreign Affairs through its Consulate in Omaha, Nebraska will make all the necessary efforts to exchange ideas and concerns of a high profile nature which may result in media attention in a timely manner.

Notwithstanding this Memorandum of Understanding, the Parties acknowledge that the Consulate may contact the Department of Justice or any other state or federal agency regarding any case or subject of concern.

11. Rules and Procedures

The Department agrees to adopt whatever Rules and Procedures are necessary in order to give full force to this Memorandum of Understanding.

12. Final Provisions

This Memorandum of Understanding becomes effective upon signing and shall remain in force for twelve months, automatically renewed for an equal period, unless either Party gives written notice of its intention not to renew at least sixty (60) days prior to the expiration of the current term. Either Party may terminate this Memorandum of Understanding prior to the expiration of the current term, for any reason, by providing written notice of termination to the other Party at least sixty-days (60) in advance of the termination.

V. STATEMENT OF IMMUNITY

Except for the provisions expressly contained herein, nothing in this Memorandum of Understanding shall be constructed as a waiver of immunities to which the Consulate and its consular agents are entitled to under international law, the Foreign Sovereign Immunities Act, and international treaties in force between Mexico and the United States. The Consulate hereby invokes all immunities. Except for the specific provisions contained herein, this statement shall not imply or confer a submission by Mexico or its consular agent to the jurisdiction of any United States or Iowa Courts.

Furthermore, nothing in this Memorandum of Understanding shall be construed to prevent the Director of the Department of Human Services from acting in the best interest of children in the State of Iowa.

Signed in Des Moines, Iowa, on the 20th day of April of two thousand and six, in two originals, in the English and Spanish languages, being both texts equally authentic.

**THE GOVERNOR OF THE STATE OF IOWA OF
THE UNITED STATES OF AMERICA**

**FOR THE MINISTRY OF FOREIGN AFFAIRS OF
THE UNITED MEXICAN STATES**

**THOMAS J. VILSACK
GOVERNOR**

**LUIS ERNESTO DERBEZ BAUTISTA
MINISTER**

ⁱ Article 5 of the Vienna Convention provides in part that consular functions consist in:

“a) protecting in the receiving State the interest of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

[...]

h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interest of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons”

ⁱⁱ The time of notification will be specified below.

ⁱⁱⁱ Article 37 of the Vienna Convention states in relevant part:

“If the relevant information is available to the competent authorities of the receiving state, such authorities shall have the duty:

(a) [omitted]

(b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interest of a minor or other person lacking full capacity who is national of the sending state. The giving of information shall, however, be without prejudice to the operation of the laws and regulations of the receiving state concerning such appointments.” (*Emphasis added*)

^{iv} Procedures for notification will be specified below.

^v The Bilateral Convention expresses an Article VI that:

“1. Consular officers of either High Contracting Party may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting the nationals of the state by which they were appointed in the enjoyment of rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul or the consular officer stationed at the capital may apply directly to the Government of the country.

2. Consular officers shall, within their respective consular districts, have the right:

(a) to interview and communicate with the nationals of the State which appointed them;

(b) to inquire into any incidents which have occurred affecting the interest of the nationals of the State which appointed them;

(c) upon notification to the appropriate authority, to visit any of the nationals of the State which appointed them who are imprisoned or detained by authorities of the State; and

(d) to assist the nationals of the State which appointed them in proceedings before or relations with authorities of the State.

3. National of either High contracting Party shall have the right at all times to communicate with the consular officers of their country. (*Emphasis added*).”



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

May 4, 2007

GENERAL LETTER NO. 17-C(3)-1

ISSUED BY: Bureau of Protective Services, Division of Child and Family Services

SUBJECT: Employees' Manual, Title 17, Chapter C(3), **ADDITIONAL CASE PLANNING INFORMATION**, Title page, new; Contents (page 1), new; and the following sections, new:

- Topic 1: Definition of Terms Used in Case Planning and Management
- Topic 2: Family Team Meetings
- Topic 3: Reasonable Efforts
- Topic 4: Types of Placement
- Topic 5: Interstate Compact on the Placement of Children
- Topic 6: Counting 15 of 22 Months
- Topic 7: Compelling Reasons
- Topic 8: Time Lines for Permanency Case Actions
- Topic 9: Indian Child Welfare Acts
- Topic 10: Family-Centered Services
- Topic 11: Medicaid Services
- Topic 12: Memorandum of Understanding With Mexico

Summary

Employees' Manual Chapters 18-A, **CHILD WELFARE GENERAL REQUIREMENTS**, 13-N(1), **INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**, and XIII-Z, **INDIAN CHILD WELFARE ACT**, have been redesigned into policy, procedure, and practice guidance subchapters reflecting the phase in the life of the case. Hypertext links in all of the chapters connect to the other case planning chapters, additional information on a topic, or a specific form or tool.

The new case planning chapters are:

- ◆ 17-C, **CASE PLANNING POLICY**, which contains succinct, "high level" statements that summarize the essence of the associated laws, rules, and Department-required practice.
- ◆ 17-C(1), **CASE PLANNING PROCEDURES**, which tells what the Department service worker should do in the logical order of when and how to do the work.
- ◆ 17-C(2), **CASE PLANNING PRACTICE GUIDANCE**, which provides background information to support the procedures or policy and the clinical or programmatic rationale for the actions that are required.

This letter issues new chapter 17-C(3), ***ADDITIONAL CASE PLANNING INFORMATION***, which contains information that is lengthy or used only in specific situations. The chapter includes:

- ◆ Information on the Interstate Compact on the Placement of Children (ICPC) that was previously published in 13-N(1), and
- ◆ Information on the Indian Child Welfare Act that was previously published in XIII-Z. These topics may be accessed through hypertext links in the policy, procedure, or guidance chapters.

Changes have been made to the ICPC section related to the processing of a request to or from another state for placing children across state lines. New language was added to comply with the Safe and Timely Interstate Placement of Foster Children Act of 2006. Under this legislation, foster care and adoption home studies must be completed for other states within 60 calendar days.

Effective Date

Upon receipt.

Material Superseded

None.

Additional Information

Refer questions about this general letter to your area service administrator.



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

June 20, 2008

GENERAL LETTER NO. 17-C(3)-2

ISSUED BY: Division of Child and Family Services

SUBJECT: Employees' Manual, Title 17, Chapter C(3), **ADDITIONAL CASE PLANNING INFORMATION**, Topic 3: "Reasonable Efforts," page 2, revised.

Summary

This letter reflects legislative changes to Iowa Code sections 232.102, "Transfer of legal custody of a child and placement," and 232.116, "Grounds for termination," as a result of Senate File 2212, enacted by the 2008 session of the Iowa General Assembly.

This Code change allows the court to consider a prior termination of parental rights that occurred in another state to a child in the same family as an aggravated circumstance to waive reasonable efforts, or as grounds to file termination of parental rights.

Effective Date

July 1, 2008

Material Superseded

Remove the following page from Employees' Manual, Title 17, Chapter C(3), and destroy it:

Page

Date

Topic 3

2

May 4, 2007

Additional Information

Refer questions about this general letter to your area social work administrator.



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
EUGENE I. GESSOW, DIRECTOR

March 27, 2009

GENERAL LETTER NO. 17-C(3)-3

ISSUED BY: Bureau of Child Welfare Services,
Division of Child and Family Services

SUBJECT: Employees' Manual, Title 17, Chapter C (3), **ADDITIONAL CASE
PLANNING INFORMATION**, Topic 10, Family-Centered Services,
pages 1 and 2, revised.

Summary

This chapter is revised to reflect that:

- ◆ Parenting counseling and education services (P410 - individual and P420 - group) no longer exist.
- ◆ Community resource procurement services (A740) no longer exists.
- ◆ Family team meeting facilitation services are no longer billed under A75X codes.
- ◆ The DHS procurement card program now uses a corporate VISA charge card rather than the MasterCard charge card.

Effective Date

Immediately.

Material Superseded

Remove the following pages from Employees' Manual, Title 17, Chapter C(3), and destroy them:

<u>Page</u>	<u>Date</u>
Topic 10, pages 1-4	May 4, 2007

Additional Information

Refer questions about this general letter to your area social work administrator.